LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume I

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

CONVENED JANUARY 6, 1982 ADJOURNED APRIL 16, 1982

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

03-01-48-82

OFFICERS OF THE LEGISLATURE

Roland A. Luedtke, (Lt. Governor), President	Lincoln
Richard D. Marvel, Speaker	Hastings
Patrick J. O'Donnell, Clerk	Lincoln
Richard Brown, Assistant Clerk	Lincoln
Robert E. Palmer, Chaplain Coordinator	Lincoln
Lottie Henderson, Postmistress	Lincoln
Ray R. Wilson, Sergeant at Arms	Lincoln

EXECUTIVE BOARD

Howard Lamb, Anselmo	Chairperson
Donald N. Dworak, Columbus	Vice Chairperson
Richard D. Marvel, Hastings	Speaker
Calvin F. Carsten, Avoca	Member-at-large
Robert L. Clark, Sidney	Member-at-large
David Newell, Omaha	Member-at-large
William E. Nichol, Scottsbluff	Member-at-large
Carol McBride Pirsch, Omaha	Member-at-large
Loran Schmit, Bellwood	Member-at-large
Jerome Warner, Waverly	Ex-officio member

REVISOR OF STATUTES .... Joanne Pepperl

ENROLLMENT & REVIEW ATTORNEY .... Emory P. Burnett

FISCAL ANALYST .... Dale Johnson

OMBUDSMAN .... Marshall Lux

RESEARCH .... Dr. Jack Rodgers

JOURNAL CLERKS

Vicki Buck
Louella Jennings
Leona Shields
Joan Vanderford

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	R. Wiley Remmers	Auburn	Farmer/ Legislator	Gage*, Nemaha, Pawnee, Richardson
2	Calvin F. Carsten	Avoca	Farmer	Cass*, Johnson*, Otoe*
3	Emil E. Beyer, Jr	Gretna	Real Estate Investments	Sarpy*
4	Larry D. Stoney	Omaha	Insurance	Douglas*
5	Bernice Labedz	Omaha	Public Relations/ Falstaff Brewing Corp.	Douglas*
6	Peter Hoagland	Omaha	Attorney	Douglas*
7	Karen Kilgarin	Omaha	Real Estate	Douglas*
8	Vard Johnson	Omaha	Attorney/Legal Aid Society.	Douglas*
9	Marge Higgins	Omaha	Insurance Agent	Douglas*
10	Carol Pirsch	Omaha	Supervisor/Public Relations.	Douglas*
11	Ernie Chambers	Omaha	Barber	Douglas*
12	Gerald D. Koch	Ralston	Exec. Sec./Omaha Suburan Area Council of Schools	Douglas*
13	Dave Newell	Omaha	State Senator	Douglas*
14	Walter J. Duda	Omaha	Farmer	Douglas*
15	Lowell C. Johnson	North Bend	Business/Farming/ Engineer	Dodge*
16	James E. Goll	Tekamah	Auto Dealer	Burt, Cuming*, Thurston, Washington
17	Merle Von Minden	Allen	Farmer	Dakota, Dixon, Wayne*
18	Harry Chronister	Schuyler	Agri-Businessman	Colfax, Cuming*, Dodge*, Stanton

Dist.	Name	Address	Occupation	Counties
19	Elroy M. Hefner	Coleridge	Business Executive	Cedar, Knox, Pierce*, Wayne*
20	Glenn A. Goodrich	Omaha	Electrical Contractor	Douglas*
21	Richard Peterson	Norfolk	Beekeeper	Madison, Pierce*
22	Donald N. Dworak	Columbus	Insurance Executive	Boone*, Nance, Platte*
23	Loran Schmit	Bellwood	Farmer/Livestock Feeder	Butler, Platte*, Polk*, Saunders*
24	Harold F. Sieck	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock, Farming	Cass*, Johnson*, Lancaster*, Otoe*, Saunders*
26	Donald Wesely	Lincoln	Worker	Lancaster*
27	Steve Fowler	Lincoln	Consultant	Lancaster*
28	Chris Beutler	Lincoln	Attorney	Lancaster*
29	Shirley Marsh	Lincoln	Homemaker	Lancaster*
30	George "Bill" Burrows	Adams	Farmer	Gage*, Jefferson*, Saline*
31	Steve Wiitala	Omaha	Teacher	Douglas*
32	Shari Apking	Alexandria	Homemaker/ Newspaper Columnist	Fillmore, Jefferson*, Saline*, Thayer
33	Richard D. Marvel	Hastings	Professor/ Political Science	Adams
34	Maurice A. Kremer	Aurora	Farmer/Businessman	Clay, Hamilton, Merrick, Nuckolls*, Polk*
35	Howard L. Peterson	Grand Island	Development Officer/ Stuhr Museum	Hall*
36	Ron Cope	Kearney	Business/Farming	Buffalo*, Hall*
37	Martin Kahle	Kearney	Retired Farmer	Buffalo*, Franklin, Kearney, Nuckolls*, Webster

Dist.	Name	Address	Occupation	Counties
38	Tom Vickers	Farnam	Stockman	Frontier, Furnas, Gosper, Harlan, Hayes*, Red Willow
39	Bill Barrett	Lexington	Real Estate/Insurance	Buffalo*, Dawson, Phelps
40	John DeCamp	Neligh	Attorney/Speculator	Antelope, Boone*, Boyd, Holt
41	Donald L. Wagner	Ord	Farmer	Custer*, Garfield, Greeley, Hall*, Howard, Loup Sherman, Valley, Wheeler
42	Myron Rumery	North Platte	Retired	Custer*, Lincoln
43	Howard A. Lamb	Anselmo	Rancher	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex S. Haberman	Imperial	Farm Manager	Arthur, Chase, Deuel, Dundy, Garden, Hayes*, Hitchcock, Keith, Perkins
45	George Fenger	Bellevue	Real Estate Owner	Sarpy*
46	Dave Landis	Lincoln	State Senator	Lancaster*
47	Robert L. Clark	Sidney	Merchant	Banner, Cheyenne, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol	Scottsbluff		Scotts Bluff*
49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

Clerk

Patrick J. O'Donnell........Lincoln

RULES OF THE NEBRASKA UNICAMERAL

TABLE OF CONTENTS

RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers 1
B. Presiding Officer 2
C. Speaker 4
D. Clerk of the Legislature 5
E. Other Offices 6

RULE 2—RULES OF PROCEDURE

Rules of Order 9
Suspension of Amendment 9
Privileges of the Floor 9
Discipline of Members 10

RULE 3—COMMITTEES

Appointment of Committees 13
Standing Committees 14
Select Committees 14
Special Committees 16
Reporting of Bills 20

RULE 4—RESOLUTIONS

Method of Adopting 27
Study Resolutions 27

RULE 5—BILLS—GENERAL PROVISIONS

Bill Drafter 29
Revisor Correctional Bills 29
Introduction of Bills 30
Fiscal Notes 32
Governor's Budget Bill 34
Withdrawal of Bills 34
Holding of Bills 35

RULE 6—BILLS—STAGES OF CONSIDERATION

Introduction 37
General File 37
  Motions 37
E & R for Review 39
Select File 39
  Motions 40

Final Reading 41
    Motions 41
Governor's Veto 42

RULE 7—PROCEEDINGS AND MOTIONS

A. Order of Business 45
B. Voting Machine 46
C. Motions 47
    Withdrawal of 47
    Shall the Debate Cease 48
    Call of the Legislature 48
    Postpone to Time Certain 49
Reconsideration 49
Strike the Enacting Clause 50
    Motion to Adjourn 50

RULE 1—OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers To Be Elected. At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairman of Committee on Committees
Chairman of Executive Board
Vice Chairman of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from legislative districts Nos. 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from legislative districts Nos. 3 through 14, 20, 31, and 45; and two from legislative districts Nos. 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairman of Appropriations is nonvoting member; RRS 50-401.01.

Sec. 2. Officers To Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board, RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

B. Presiding Officer

Sec. 5. President of Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairman of the Legislative Council
Chairman of the Committee on Committees
Chairman of Committee on Judiciary
Chairman of Committee on Government, Military and Veterans Affairs
Chairman of Committee on Appropriations
Chairman of Committee on Revenue
Chairman of Committee on Education
Chairman of Committee on Banking, Commerce and Insurance
Chairman of Committee on Public Works
Chairman of Committee on Agriculture and Environment
Chairman of Committee on Public Health and Welfare
Chairman of Committee on Miscellaneous Subjects

Chairman of Committee on Business and Labor
Chairman of Committee on Urban Affairs
Chairman of Committee on Constitutional Revision and Recreation

Emergency Succession. RRS 50-503(7)

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a Call of the Legislature.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter Chamber. Rule 2, Sec. 3.

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the Chair, the ruling shall be restated and the question shall be phrased: "Shall the chair be overruled?". A majority of those present shall be required to overrule the Chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his office.

Distribution of material by Clerk. Rule 2, Sec. 3f.
Excuse attendance at committee hearing. Rule 2, Sec. 4.
Power to refer bill back to committee. Rule 6, Sec. 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker with the approval of the Executive Board shall report to the Legislature the order in which bills and resolutions shall be considered on General File. His orders as approved are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum can not be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of Bills. Rule 5, Sec. 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General Duties. RRS 50-114
Distribute material, when authorized. Rule 2, Sec. 3f.
Fiscal notes, attach to bills. Rule 5, Sec. 7d.
Lobby Registration. RRS 50-308 through 50-318.
File Administrative Rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

For order. Rule 7, Sec. 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional Amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at his direction shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved, under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On Registration of lobbyists. 49-1480 through 49-1492 R.R.S.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the Legislative Chamber.

RRS 50-116

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Sec. 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the Legislative Session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Sec. 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112

RULE 2—RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall govern the Legislature. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Overruling the Chair. Rule 1, Sec. 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The Legislative Chamber shall consist of the entire floor of the Legislative Chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the Chair.

State officials appearing before committees. Rule 3, Sec. 13.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the Chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the Legislative Chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

(h) No individual other than a senator or officer of the Legislature shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the Legislative Chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he is a member, unless excused by the Legislature, the Speaker, or the committee chairman. Members who have been excused by the Legislature or the Speaker shall notify their committee chairman that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Absent members may have inserted into the Journal how he would have voted had he been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President." A member shall speak only when recognized and shall confine himself to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise, and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he be the mover, proposer, or introducer of the matter pending in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer or introducer of the matter pending may speak for ten minutes when he first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3—COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District No. 1 consisting of legislative districts Nos. 1 through 3, 25 through 30, 32, 45, and 46; three from District No. 2 consisting of legislative districts Nos. 4 through 14, 20, and 31; three from District No. 3 consisting of legislative districts Nos. 15 through 19, 21 through 24, 34, 35, and 40, and three from District No. 4 consisting of legislative districts Nos. 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees by a majority vote of all its members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 3. Standing Committees. (a) The Standing Committees of the Legislature shall be as follows:

Administrative Rules and Regulations Review	7 members
Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The Select Committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select Commttees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson.

The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the chairperson, the vice chairperson of the Judiciary Committee shall assume the duties of the chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building and Maintenance. RRS 81-106	4 members
Education Commission of the States. RRS 79-2504	4 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Law Enforcement and Justice Advisory, (Judiciary Committee). RRS 50-601	8 members
Nebraska Retirement Systems. RRS 50-416	5 members
Nebraska Transportation Advisory.	

RRS 50-421 ....5 members
Performance Review and Audit.
RRS 50-701.02 ....6 members
Telecommunications. RRS 50-424.................8 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Sec. 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) together with the chairperson of the Appropriations Committee shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee after a majority vote of the remaining members shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker, or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 11. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 12. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing, except for hearings set during the first 20 legislative days of each session, there shall be required only five calendar days' notice of said hearing or withdrawal of said bill.

Sec. 13. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 14. Executive Sessions and Closed Meetings. (a) Executive Session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcripted, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 15. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the bill drafter.

Sec. 16. Indefinitely Postponed Bills. If the committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 17. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the

Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 18. Request from Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If at the expiration of eight calendar days from the date final action was taken the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer bill must concur with any motion offered under this rule.

Sec. 19. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to Legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

RULE 3

(A) Issuance of Subpoenas.

(i) A committee may by majority vote of all of its members, taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the executive board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may in the same manner issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenaed in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, section 14(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may by majority vote of all its members authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation.

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of a committee, or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the District Court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to R.R.S. 50-105 and 50-106 during the session, or to R.R.S. 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4—RESOLUTIONS

Section 1. Identifications. A resolution shall be designated as Legislative Resolution ___. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13—Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal constitution, or memorialize the Congress with regard to amendments to the U. S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Const. Art. III, Sec. 25, Cannot appropriate funds by resolution.

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

RRS 50-404

Sec. 4. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. All resolutions shall be adopted by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions shall lie over for consideration at least one legislative day after introduction.

Sec. 7. Only those resolutions specified in sections 2 and 3 of this Rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lt. Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Secs. 2 and 3 of this rule may be referred to a committee if a motion to do so is adopted by a majority of the elected members.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

Sec. 10. A committee, when reporting out a resolution shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103, 1943, by Governor.

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. A bill shall be designated as Legislative Bill No. __.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject, and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the Statutes or Constitution.

Sec. 3. Revisor Correctional Bills, Pre-Printing. (a) Preceding each legislative session, the chairman or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as chairman of the Judiciary Committee, shall sign as introducer the Revisor of Statutes correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. Members shall introduce only such bills as they are willing to endorse and support personally, with the exception of committee bills. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec. 7(g), no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

(c) A copy of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Provided, to suspend the rules to allow a committee to exceed the 10 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) For each bill introduced, following the name of the introducer and the district number, there shall appear the following language: "This bill introduced on behalf of ________". The blank space shall be completed by adding the name of the special interest group, if any, encouraging the legislation; if no special interest group was responsible for the legislation, then the Senator shall insert his or her own name.

Sec. 6. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each standing committee chairperson may designate two of the committee's bills as priority bills.

(c) The Speaker may designate any additional number of priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. The Speaker shall structure the agenda of the Legislature so that all priority bills are given an opportunity to be voted upon for final passage prior to the end of the annual session.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 7. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact of more than five thousand dollars shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by a committee or the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note.

(f) When the Legislative Fiscal Analyst determines that the fiscal impact of a bill will be less than five thousand dollars, it shall not be necessary to prepare a detailed fiscal note, and the fiscal note may merely state this fact.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(h) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(i) The note shall be factual in nature, as brief and concise as may be, and shall if possible provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(j) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(k) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(l) To implement the provisions of and assure compliance with Art. III, Sec. 22, of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 8. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's Budget message. Const. Art. IV, Sec. 7.

Sec. 9. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 10. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 11. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Sec. 22.

Sec. 12. Withdrawal of Bills. No bill, having been introduced may be withdrawn except upon motion of the first introducer with the consent of his co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Sec. 12.

Sec. 13. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 14. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6—BILLS—STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction the Clerk shall deliver bills requiring reference to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the reference committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Sec. 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Sec. 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action he may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary notwithstanding any motion to amend a bill shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to E & R Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

UC—Unanimous Consent; MEM—Majority of Elected Members; MTV—Majority of those voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to IPP before bill is read	MEM	6-3f
Move to IPP after bill is read	MTV	
Move to Advance to E & R Review	MEM	6-4
Move to return to Committee	MEM	
Move to Reconsider		
(within one legislative day thereafter)	MEM	7-7a
(if after one legislative day, by suspension of the rules only)		7-7a
Move to amend	MEM	6-3h
Move to amend the Amendment	MTV	
Move to withdraw bill-first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-5d
Motion to amend	MEM	6-5f
Motion to advance	MEM	6-4
Defeated bill, motion to reconsider	MEM	7-7

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

RULE 6

(a) A motion to approve or reject any or all of the changes recommended by the chairman of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by E & R. If the bill is not altered, it may be advanced to E & R for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by E & R shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the E & R Committee returns a bill to Select File from engrossment, then only the specific enrollment and review amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to E & R Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File.

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for Engrossing if machine vote requested	**MEM**	
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5f**
Motion to return to General File for amendment	**MEM**	**6-5d**
Motion to Indefinitely Postpone	**MEM**	**6-5e**

On bill returned from E & R Engrossing & Final Reading

Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) Two legislative days after its reference to Final Reading file.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members; Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

Sec. 9. Question on Final Reading. The question after the Final Reading of bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Requested. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto. Further Legislative Action. Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?" No bill vetoed by the Governor shall be taken up by the legislature for any purpose other than passage of the bill notwithstanding the objection of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 12. Bills, Passed Over Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line item veto, on any bill as provided for in Article 10, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overriden by section, page, and line.

In addition to such certificate the Clerk of the Legislature shall note on each line, when the legislature votes to override, a stamp reading "line item veto overriden" and place thereon the date and his initials.

Sec. 14. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the chairman of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the chairman of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line item veto therein.

(b) If such motion fails or is not offered the chairman of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line item veto.

Sec. 15. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?'."

The following votes shall be required to adopt the following motions on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
Unless to add the emergency clause	**2/3**	**6-8**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of State Office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
To add the emergency clause	**2/3**	**6-8**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7—PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for five (5) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held during the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

Each day the Legislature convenes shall be considered a legislative day.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: ''Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay'.''

(b) If a machine vote is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the House while the House is under Call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the ''ayes'' and ''nays'' are taken by machine vote no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To adjourn
b. For the previous question
c. To postpone to a time certain
d. To recommit to a committee
e. To amend
f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on Select File
b. Motion to advance bills from committee
c. Motion to place bills on General File, notwithstanding the action of a standing committee

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Sec. 12 of these Rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the Legislature. A Call of the Legislature may be made by any member in the manner following: "I move for a Call of the Legislature." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under Call. If a majority of the senators present and voting vote in favor of such a motion then the Legislature shall be deemed to be under Call. Each member present shall indicate his presence upon the electric roll call system and shall remain in his seat during the Call. After the Clerk shall note the names of the absentees, proceedings under the Call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the Call raised.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Sec. 14.
Voice vote while House under Call. Rule 7, Sec. 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Sec. 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

INDEX TO RULES

	Rule	Sec.
ADJOURNMENT		
Hour of printed in Journal	1	18c
Motions	7	9
AMENDMENTS		
All printed in the Journal	1	18d
Color of amendment, matter prohibited when	7	3d
Motions to amend	7	3b
On General File	6	3b
Specific	6	6
Standing Committees, authority to recommend	3	17
APPOINTMENTS		
Governor, approval of	3	4e(ii)
APPROPRIATION BILLS		
Introduction of	5	7g
Priority of consideration	1	16
APPROPRIATIONS		
Appropriations in excess of Governor's request	5	7l
Chairman, Report on effect of line item veto	6	14
Chairman, Retirement Systems Advisory Committee, membership on	3	5b
Governor's bills, introduction of	5	7
Request of bill from committee, exceptions	3	18
Resolutions, considered as bill	4	2
ASSISTANT CLERK		
Duties of	1	19
BILL DRAFTER		
Committee amendments, duty to review	5	1
also	3	16
Correctional Bills,		
Printing of	5	3a
Signing of	5	3a
Drafting bills after January 1, only for Senators	5	1
Preparation of bills and amendments	5	1
also	3	15
Sections amended, compilation of	5	2c
BILL DRAFTING		
Enrollment and Review,		

	Rule	Sec.
Legal services	3	4d(ii)
Review of bills	6	4
BILLS		
Amendatory form of	5	2c
Amendments		
General File	6	3b
When printed in Journal	1	18d
Appropriation bills		
Governors, introduced by Appropriations Committee	5	8
Correlation and combination of, Standing Committee authority	3	11
Designation of	5	2
Dividing into two or more bills, prohibited	5	13
Drafting Service		
Enrollment and Review	3	4d
Engrossment of	5	10
Enrollment and Review		
Action which may be taken	6	4
Final Reading		
Emergency Clause, vote required	6	10
Generally	6	7
Printing	6	7c
Fiscal Note		
Preparation of	5	7
General File		
Fails to advance a third time	6	3i
Holdover of	5	14
Order and arrangement by Speaker	6	3c
Passing over when introducer present	6	3c
Introducer		
Reading name of principal introducer	6	3a
Introduction of		
Day limitation	5	5
Limit number of	5	5d
Members willing to support	5	4
Signature of Senators on bills	5	4
Priority of		
Appropriation bills	1	16
Public hearing, notice required	3	12
Reading of, on introduction		
Section by section not required	6	3a
Reference to committee	3	4e

	Rule	Sec.
Objection to	6	2a
Request for bills held in committee	3	18
Signers on, additional	5	4
Signing upon passage		
Restriction on who may	1	7
Who authorized	1	13
Stages of consideration		
Generally	6	
Title		
Amendments to	7	3c
Reading title of bills	5	9
Veto by Governor		
Overriding, procedure	6	12
Reconsideration	7	7
Withdrawal of, procedure	5	12
Withdrawal of, notice required	3	12
CALL OF THE LEGISLATURE		
Procedure	7	5
CHALLENGE THE CHAIR		
Vote required	1	12
CHAPLAIN COORDINATOR		
Duties of	1	21
Election of	1	2
CLERK OF THE LEGISLATURE		
Assistant Clerk, duties of	1	19
Attesting to bills passed	1	13
Bills		
Amendments, reading, E & R when required	6	5g
Deliver to Reference Committee	6	1
Numbering of and reading	6	1
Communications, authority to read	1	17e
Distribution of material, when authorized	2	3f
Duties, generally	1	17
Fiscal notes, duties of therewith	5	7d
Printing		
Bills from Executive Board	5	3b
Revisor correctional bills	5	3a
Record of all debate	1	18g
COMMITTEE ON COMMITTEES		
Chairman, election of	1	1
Committee meetings, publication of schedule	3	6
Governor's appointments, hearing on	3	4e(ii)
Investigating Committee	3	4g

	Rule	Sec.
Membership on, districts	3	2
Nomination of members for committees	3	2
Select Committees, appointment of members	3	4
Vacancies of committee		
Temporary appointments	3	10
COMMITTEES (See also Standing Committees, Select Committees and Special Committees)		
Attendance at, requirement of	2	4a
Executive Sessions, Press	3	14
Hearings, cancellation of	3	6
Introduction of bills		
After tenth day	5	5a
Investigations, appointment of members	3	4g
Minority report on bills reported	3	17
Select Committees, defined	3	4
State officials, appearing before, when	3	13
Statement of committee required	3	17
Vacancies		
Appointments to	3	10
DEBATE		
Motion to cease debate, closing	7	4
DEPARTMENT HEADS		
Fiscal notes, duty to provide information	5	7c
ELECTRICAL ROLL CALL SYSTEM		
Call of the Legislature		
Indicate presence on	7	5
EMERGENCY CLAUSE		
E & R amendment, authority to add	3	4d
Final Reading		
Vote required	6	10
Final Reading, stricken when not sufficient votes	6	10
Motion to reconsider to add	7	7
Vote required		
Return from Final Reading	6	8c
EMPLOYEES		
Hiring and salary, Executive Board	1	22
Report of, monthly	1	17c
Supervision of, by Clerk	1	17d
ENGROSSMENT		
Bills		
Show new and stricken matter	5	10
ENROLLMENT AND REVIEW		

	Rule	Sec.
Advancement of bills to	6	4
Amendments		
Reading by Clerk, not required, when	6	5g
Title, authority to make	7	3c
Bills		
Advancement to vote required	6	4
Amendments, authority to submit	3	4d
Priority when bill returns	6	5d
Duties and authority	3	4d
Motion to return to General File	6	4
EXECUTIVE BOARD		
Employees, hire and determine salary	1	22
Reference Committee, shall constitute	3	4e
Reference of bills before session	5	3a
Reference of Study Resolution	4	3
Revisor of Statute correctional bills, introduction of	5	3b
EXECUTIVE SESSION		
Press, admission to, committees	3	14
FINAL READING		
Bills		
Appropriation	5	7g
Placing on Final Reading	6	7
Reading of bills at large	6	8
Machine vote required, when	7	2c
Members to remain in seats	2	3g
Motions numerated, generally		
General File	6	
Select File	6	
Final Reading	6	
Question on Final Reading	6	9
Reconsideration motion to		
Votes required	7	7c
Visitors on floor prohibited	2	3b
FISCAL ANALYST		
Fiscal Notes, duties associated therewith	5	7
Review of all bills	5	7
FLOOR DEBATE		
Verbatim record, preparation of	1	18g
GENERAL FILE		
Bills		
Advancement to E & R, vote required	6	4
Bracket, when	6	2b

	Rule	Sec.
Fail to advance a third time	6	3i
Bills placed directly on, bracket	6	2b
Clerk		
Introduction of bills, procedure	6	3a
Motion		
Enumeration of and votes required	6	
Place on General File notwithstanding committee action	3	16
Request bill from committee	3	18
Order of consideration	1	16
Reference Committee		
Placed directly on, when	3	4e
Resolutions referred to	4	10
GOVERNOR		
Admission to Legislative Chambers	2	3c
Appointments by, hearings on	3	4e
Bills vetoed, reconsideration	6	11
Budget bill, introduction of	5	8
Department heads, appearance before committees	3	13
Introduction of bills		
After tenth Legislative Day	5	5a
Line item veto of legislation, overriding	6	13
Messages, print in Journal	1	18b
Messages from, privilege	7	1c
Veto of legislation, overriding	6	12
INDEFINITELY POSTPONED		
Committee Report, effect of	3	18
Request from committee, bill held	3	18c
INTRODUCTION OF BILLS		
After tenth day	5	5a
Numbering, reading of title	6	1
Statement of Intent, required after tenth day	5	5a
IMMUNITY		
For words spoken during debate	2	9
JOURNAL		
Bound volumes, preparation of	1	18f
Contents	1	18b
Daily Preparation of, by Clerk	1	18a
Distribution of for Senators	1	18b
Notice of committee hearings	3	12
LEGISLATIVE CHAMBER		
Decorum, abusive language, prohibited	2	7b

	Rule	Sec.
Material, distribution of, restrictions	2	3f
Visitors to	2	3
What constitutes	2	3a
LEGISLATIVE COUNCIL		
Chairman, election of	1	1
Executive Board		
Officers and employees, recommendations for	1	2
Vice Chairman, election of	1	1
LEGISLATURE		
Call of the Legislature		
Remain in seats	7	5
Legislative Day, defined	7	1
Meeting time	7	1
Office space, supervision of	1	17d
Officers and employees		
Change compensation	5	11
Order of business	7	1b
Rules procedure		
Amendment	2	2
Matters not covered by	2	1
Session, limitation on, ninety days-sixty days	7	1a
Suspension	2	2
Voting		
Machine votes, when called for	7	2b
LIEUTENANT GOVERNOR		
Presiding officer	1	5
Voting, tie	1	14
LOBBYISTS, REGISTERED		
Reports on	1	18h
MATERIAL		
Written or printed, distribution in the Legislative Chamber	2	3f
MINORITY REPORT		
Submitted by committee, when	3	17
MOTION TO RECONSIDER		
Withdrawal of, unanimous consent required when	7	3a
MOTIONS		
Adjournment, order of	7	9
Amendments		
Adoption, vote required	6	3g
Motion to amend amendments	7	3b

	Rule	Sec.
also	7	3d
Bracket and unbracketing bills	6	3e
Division of a question	7	3e
General File, enumeration of	6	3
Indefinitely postponed		
Failure in attempt to raise from committee, effect	3	18c
General File, before reading	6	3f
Postpone or postpone indefinitely, precedence	7	3a
Postpone to time certain	7	6
Precedent in, consideration of	7	3a
Reading of before vote taken	7	3a
Reconsideration		
Votes required	7	7c
Who may move	7	7a
Select File, enumeration	6	
Shall the debate cease		
Procedure for invoking	7	4
Seconded required by five or more members	7	4
Strike out and insert	7	3e
Stike the enacting clause		
Equivalent to	7	8
Precedence over motion to amend, forbidden	7	8
Suspension of the Rules		
Additional names as introducers	5	4
Withdrawal of, when permitted	7	3a
Writing, required when	7	3a
OATH		
Officers of Legislature	1	4
OFFICERS		
Election of, votes required	1	3
Election of each Legislature	1	1
Oath 1	4	
Removal of, procedure	1	3
OFFICERS AND EMPLOYEES		
Assistant Sergeant at Arms		
Duties of	1	20b
Election of	1	2
Chaplain Coordinator		
Duties of	1	21
Election of	1	2
Clerk		
Duties of	1	17

	Rule	Sec.
Election of	1	2
Clerk, Assistant		
Duties of	1	19
Election of	1	2
Compensation of, change	5	11
Sergeant at Arms		
Duties of	1	20
Election of	1	2
ORDER OF BUSINESS		
Enumeration of	7	1b
Governor's Messages, privilege	7	1c
Special order	7	1d
PERSONAL PRIVILEGE	2	11
PETITIONS AND MEMORIALS		
Order of business	7	1b
PRESIDENT		
Duties of		
Preserve decorum	1	11
Sign bills and resolutions	1	13
Overruling, vote required	1	12
Presiding officer, order of designation	1	6
Senators addressing the Chair, procedure	2	7a
Signing bills and resolutions	1	13
PRESIDING OFFICER		
Alternate	1	8
Call of the Legislature		
Authority to declare the Call raised	7	5
Delegation of authority, order	1	6
Powers of	1	7
Voting, machine vote if in doubt	7	2b
PRESS		
Admission to Chamber	2	3b
Admission to Executive Sessions	3	14
PRINTING		
Bills and Resolutions	5	9
Final Reading bills	6	7c
Pre-printing of bills, when authorized	5	3b
Revisors correctional bills	5	3a
PRIORITY BILLS	5	6
PUBLIC HEARINGS		
Notice of hearing, days required	3	12
QUORUM		
Absence of	1	10

	Rule	Sec.
Majority constitutes	1	9
Postpone the reconvening of Legislature, in absence of	1	16A
RECONSIDERATION		
Motion for, withdrawal of	7	3a
RECORD OR ROLL CALL VOTE		
Any member may request	7	2d
REFERENCE COMMITTEE		
Committee meetings, permission to suspend	3	6b
Delivery of bills to	6	1
Duties and powers	3	4e
Objection to reference, procedure	6	2a
Review of bill proposed for introduction	5	5b
Speaker		
Re-refer bill changed by amendment	6	3h
RESOLUTIONS		
Consideration of	4	4
Engrossed, when	4	7
General provisions	4	
Hold for 25 signatures	4	5
Motions to raise from committee	4	9
Printing	5	9
Referred to committee	4	8
Signing upon passage		
Restriction on who may	1	7
Who authorized	1	13
Study committees, proposed by review by Executive Board	4	3
Voting on		
Yeas and Nays required	7	2c
Voting printed in Journal	1	18b
When considered as a bill	4	2
RETIREMENT SYSTEMS COMMITTEE		
Designation of, as special committee	3	5b
Jurisdiction and rules for operation	3	5c(ii)
RULES		
Amendments to	2	2
Matters not covered, procedure	2	1
Suspension of, vote required	2	2
Transgression of Rules by a member	2	8
RULES COMMITTEE		
Amendment to Rules, reference to	2	2
Designation of, as Select Committee	3	4

	Rule	Sec.
RULES OF PROCEDURE		
Amendments of	2	2
SECURITY GUARDS		
Supervision of, by Speaker	1	20c
SELECT COMMITTEES		
Appointment of members to	3	2b
Definition of	3	4b
Designation of	3	4a
Enrollment and Review		
Chairman of, privilege	3	4d
Duties	3	4d
SELECT FILE		
Amendments		
Enrollment and Review, prohibit other amendments	6	5
Vote required	6	5f
Bills		
Advancement E & R for engrossment, when	6	4
Fail to advance a second time	6	5i
Return from Final Reading	6	8c
Motion, enumeration of	6	
SENATORS		
Absence of, excused, when	2	4a
Absent, explanation of vote	2	5
Addressing the Chair, procedure	2	7a
Attendance at meetings, requirement	2	4a
Censure, excepted words	2	8
Exception to words spoken	2	9
Expulsion of, procedure	2	6
Families, admitted to floor, when	2	3d
Final Reading, remain in seats	2	3g
Immunity for words spoken	2	9
Personal Privilege	2	11
Restriction on speaking	2	10
Signature on bills	5	4
Speaking on floor, limitation on length	2	10
Use of profanity prohibited	2	7b
Violation of Rules, restrictions on	2	8
Words excepted to	2	9
SERGEANT AT ARMS		
Compel presence of member	2	4b
Duties of	1	20
Election of	1	2

	Rule	Sec.
SESSIONS		
Debate, limitations on, length	2	10
Immunity for words spoken during	2	9
Interruption of, prohibited	2	7b
Limitation on duration	7	1
Violation of Rules, objection to	2	8
SPEAKER		
Acting President, when	1	5
Bills		
Poor form, refer to committee	6	3g
Refer back to committee	6	3h
Bills on General File, set order	6	3c
Committee membership, restricted	3	3b
Election of	1	1
Excuse members, authority to	2	4a
Postpone the reconvening of the Legislature	1	16a
Preside over Legislature	1	15
Privileged at any time	1	15
Reporting order of bills	1	16
Security guards, supervision of	1	20c
Service on committee, temporary appointment	3	10
Signing bills and resolutions	1	13
SPECIAL COMMITTEES		
Designation of	3	5
Introduction of bills	5	5b
SPECIAL ORDER		
Order of bill not yet reached	7	1d
SPECIAL ORDER OF THE DAY		
Unfinished business	7	1d
STANDING COMMITTEES		
Appointment of members to	3	2b
Bills		
Attempt to put on General File, failure, effect	3	18c
Correlations of bills into lesser number	3	11
Recommit from Final Reading	6	8b
Twenty days, motions to place on General File	3	18b
Chairman, selection by secret ballot	3	7a
Definition and enumeration of	3	3
Duration of membership	3	2c
Eight calendar days, duty to act	3	15b

	Rule	Sec.
Force bill to be placed on General File	3	15
Indefinitely postponed		
Motion to place on General File notwithstanding	3	16
Introduction of bills after tenth day	5	5a
Membership on, appointment to	3	2b
Nomination of members for	3	3
Number of members on each committee	3	3
Raise bill indefinitely postponed	3	16
Record of proceedings	3	17
Report from, required, when	3	15
Report to the Legislature		
Indefinitely postponed	3	16
On General File	3	16
Requirement of, contents	3	17
Resolutions		
Consideration of	4	4
Reference to	4	8
Speaker, not member of	3	3b
Time for meetings	3	6
Vice Chairman, designation by committee	3	7c
SUBPOENA PROCEDURE	3	19
SUSPENSION OF THE RULES		
Additional names as introducers	5	4
Votes required	2	2
UNANIMOUS CONSENT		
Suspension of the Rules, prohibited when	5	4
VACANCIES		
On committees, appointment to	3	10
VISITORS		
Legislative Chamber, admission to	2	3
Notice to presiding officer	2	7b
VOTING		
Absent members, insert in Journal	2	5
Committees, action on bills	3	15
Expulsion of members	2	6
Lieutenant Governor, only when tie	1	14
Machine vote, decision announced, votes thereafter	7	2d
Machine votes, when required	7	2b
Question, form of	7	2a
Record or roll call vote, requested by member, when	7	2d

	Rule	Sec.
Resolutions, plurality required	4	6
Voice vote, authorized when	7	2a
WITHDRAWAL OF BILLS		
Procedure, consent	5	12
Restriction on, when set for hearing	3	12

TITLES TO BILLS

Titles to Bills introduced in the Eighty-Seventh Legislature of Nebraska, First Session, 1981 and pending before the Eighty-Seventh Legislature of Nebraska, Second Session, 1982

STATUS OF BILLS
on
January 6, 1982

GENERAL FILE: 8 32 32A 36 69 75 75A 94 98 115 115A 126 139 139A 169 176 180 180A 192 198 202 208 212 215 226 226A 229 230 231 233 239 255 258A 261 263 264 267 270 274 274A 278 281 304 305 309 314 335 338 340 341 347 349 353 359 364 370 375 378 383 387 400 401 402 403 410 413 415 417 418 421 423 424 426 431 435 440 444 448 449 450 454 455 465 490 492 498 511 522 525 535CA 542 547

FINAL READING: 89 89A 242 404 412e 428 472A 488 531CA

BILLS HELD BY COMMITTEES:

Administrative Rules and Regulations: 97
Agriculture and Environment: 148 149 528
Appropriations: 162 164
Banking, Commerce and Insurance: 137 358
Constitutional Revision and Recreation: 416CA 474CA
Education: 210 251 259 319 443 507 520
Government, Military and Veterans Affairs: 127 301
Judiciary: 53 372 386 414 432 513 514 546
Miscellaneous Subjects: 429 493
Nebraska Retirement Systems: 131 240 287 365 395 399 458 461 464
Public Health and Welfare: 183 269 380 442 456 502 509 510 521 533
Public Works: 152 222 348 408 473 508 527 550
Revenue: 25 117 135 142 153 211 219 300 373 467 480 524
Urban Affairs: 237

BILLS

LEGISLATIVE BILL 8. By Cullan, 49th District.

A BILL FOR AN ACT relating to water; to require the registration of riparian claims; to provide definitions; to allow the sale or lease of certain water rights; to provide duties; to establish a fee; to amend section 33-105, Revised Statutes Supplement, 1980; and to repeal the original section.

LEGISLATIVE BILL 25. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 66-410, 66-410.04, 66-411, 66-428, 66-452, 66-477, 66-478, 66-605, 66-605.03, and 66-620, Revised Statutes Supplement, 1980, relating to taxes on motor vehicle fuels; to repeal a special excise tax on motor vehicle fuels; to provide an operative date; and to repeal the original sections, and also sections 66-473, 66-474, 66-475, 66-476, and 66-605.02, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 32. By Vickers, 38th District.

A BILL FOR AN ACT relating to motor vehicles; to prohibit the possession or operation of certain devices in motor vehicles; to define terms; and to provide a penalty.

LEGISLATIVE BILL 32A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 32, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 36. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Nichol, 48th District; Burrows, 30th District; Maresh, 32nd District; Wagner, 41st District.

A BILL FOR AN ACT to adopt the Pseudorabies Control Act; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 53. By Sieck, 24th District.

A BILL FOR AN ACT to amend section 29-2206, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for restitution to crime victims as prescribed; and to repeal the original section.

LEGISLATIVE BILL 69. By Marsh, 29th District.

A BILL FOR AN ACT relating to motor vehicles; to require the use of a passenger restraint system as prescribed; and to provide a penalty.

LEGISLATIVE BILL 75. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Higgins, 9th District; Carsten, 2nd District; Vickers, 38th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to game and parks; to provide a procedure to transfer to the Game and Parks Commission an amount equal to the revenue lost from certain fee-exempt permits.

LEGISLATIVE BILL 75A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 75, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 89. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1980, relating to judicial districts; to increase the number of judges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 89A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 94. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1980, relating to ground water; to change provisions relating to control areas; and to repeal the original section.

LEGISLATIVE BILL 97. By Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Koch, 12th District; Haberman, 44th District; R. Peterson, 21st District; Fowler, 27th District; DeCamp, 40th District; Barrett, 39th District.

A BILL FOR AN ACT to amend sections 84-205 and 84-906, Reissue Revised Statutes of Nebraska, 1943, and sections 84-901, 84-906.03, 84-907, and 84-907.02, Revised Statutes Supplement, 1980, relating to administrative rules and regulations; to provide duties for the Revisor of Regulations; to provide for the publication and distribution of a weekly register; to change provisions relating to duties of administrative agencies; to provide additional duties for the Governor, Attorney General, Department of Administrative Services, and the Supreme Court; and to repeal the original sections.

LEGISLATIVE BILL 98. By Vickers, 38th District.

A BILL FOR AN ACT to amend section 60-335, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to motor vehicles exempt from registration fees; and to repeal the original section.

LEGISLATIVE BILL 115. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1980, relating to workmen's compensation; to increase compensation limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 115A. By Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 115, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 117. By Newell, 13th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide refunds for sales and use taxes on certain manufacturing equipment; to provide duties for the Department of Revenue; to provide for appeals; to provide an operative date; and to provide for termination of the act.

LEGISLATIVE BILL 126. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-518, Reissue Revised Statutes of Nebraska, 1943, and section 28-511, Revised Statutes Supplement, 1980, relating to crime and punishment; to provide for the crime of theft by shoplifting as prescribed; to provide a penalty; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 127. By Sieck, 24th District.

A BILL FOR AN ACT relating to surveys and surveyors; to amend sections 23-302, 23-1901, 23-1907, 23-1908, 23-1910, 23-1911, 33-116, 39-1506, 81-8,122, 81-8,122.01, 84-407, and 84-409, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county resurveys; to change certain duties of the county surveyors; to change the compensation of county surveyors as prescribed; to provide for a survey record repository; to change certain filing procedures; to provide duties and powers for the State Surveyor; to change the qualifications and compensation of the State Surveyor as prescribed; to eliminate certain provisions relating to chainmen and certificates of surveys; and to repeal the original sections, and also sections 23-1902 and 23-1912, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 131. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 79-1032, 79-1049, and 79-1258, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to increase certain employee retirement ages; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 135. By Burrows, 30th District.

A BILL FOR AN ACT relating to taxation; to declare intent; to define terms; to impose a tax for support of schools on adjusted gross income of individuals, corporations, trusts, and estates; to provide for determination of the tax rate; to prescribe tax rate formulas; to provide for the administration of this act; to provide penalties; to provide severability; to provide an operative date; and to repeal section 79-1335, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 137. By Remmers, 1st District.

A BILL FOR AN ACT to amend sections 60-502, 60-508, 60-509, 60-524, 60-525, 60-527, 60-528, 60-533, 60-534, 60-536, 60-538 to 60-540, 60-545, 60-546, 60-553, 60-554, 60-557, 60-559, and 60-561, Reissue Revised Statutes of Nebraska, 1943, and sections 60-501, 60-505.02, and 60-556, Revised Statutes Supplement, 1980, relating to motor vehicles; to redefine terms; to remove certain methods of providing proof of financial responsibility; to increase required insurance policy limits; to require proof of financial responsibility for registration of motor vehicles; to provide penalties; to provide an operative date; and to repeal the original sections, and also sections 60-547 to 60-550.01, 60-552, and 60-562 to 60-564, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 139. By Marsh, 29th District.

A BILL FOR AN ACT relating to insurance; to authorize prepaid dental service corporations; to provide duties; to set standards for prepaid dental service corporations; to provide definitions; and to provide for severability.

LEGISLATIVE BILL 139A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 142. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend section 77-3506, Revised Statutes Supplement, 1980, relating to taxation; to increase the amount of homestead exemption as prescribed; and to repeal the original section.

LEGISLATIVE BILL 148. By Public Works Committee: Kremer, 34th District, Chairperson; Beutler, 28th District; Clark, 47th District; Koch, 12th District; Wesely, 26th District; Hoagland, 6th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1980; to provide additional considerations and conditions for the expenditure of certain funds; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 149. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 2-3246 and 2-3248, Reissue Revised Statutes of Nebraska, 1943, relating to natural resources; to provide intent; to change provisions and procedures relating to soil erosion regulations as prescribed; to provide duties for natural resources districts and the Natural Resources Commission; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 152. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 46-201 and 46-204, Reissue Revised Statutes of Nebraska, 1943, relating to water; to provide legislative intent; to change provisions relating to appropriations; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 153. By Sieck, 24th District.

A BILL FOR AN ACT to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3422, 77-3423, and 77-3424, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change a budget limitation; to state intent; to create a fund; to provide for distribution; to repeal the Local Option Revenue Act; to repeal the original sections, and also sections 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,142 and 77-27,142.01 to 77-27,142.05, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 162. By Marvel, 33rd District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1982; to repeal section 3, Legislative Bill 184A, Eighty-sixth Legislature, First Session, 1979; and to declare an emergency.

LEGISLATIVE BILL 164. By Marvel, 33rd District, at the request of the Governor.

A BILL FOR AN ACT to make appropriations for capital construction projects; to provide severability; to repeal Laws 1980, LB 1001, section 5; and to declare an emergency.

LEGISLATIVE BILL 169. By Hefner, 19th District.

A BILL FOR AN ACT to amend sections 3-148 and 3-149, Reissue Revised Statutes of Nebraska, 1943, relating to aircraft; to change provisions relating to the taxation of aircraft motor fuels; to remove a refund provision; to provide an operative date; and to repeal the original sections, and also section 3-150.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 176. By Newell, 13th District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1980, relating to the Employment Security Law; to change provisions relating to disqualification for benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 180. By Landis, 46th District.

A BILL FOR AN ACT to amend sections 23-1206, 25-1223, 25-1230, 25-1232, 25-1524, 25-1542, 25-1548, 25-2202, 29-407, 29-2529, 29-2815, 39-6,104.06, 39-6,104.07, 49-801, 71-606, 71-1612, and 83-1011, Reissue Revised Statutes of Nebraska, 1943, and sections 71-605 and 71-605.04, Revised Statutes Supplement, 1980, relating to law enforcement; to adopt the Nebraska Forensic Medical Examiner Act; to provide an operative date; and to repeal the original sections, and also sections 23-1210, 23-1803, 23-1805, 23-1807, 23-1810, 23-1813, 23-1814, and 23-1818, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1801, 23-1802, 23-1804, 23-1806, 23-1809, 23-1811, 23-1812, 23-1815 to 23-1817, 23-1819, and 23-1820, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 180A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 180, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 183. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, relating to mental retardation; to provide for the funding of certain agencies as prescribed; and to repeal the original section, and also section 83-1,143, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 192. By Maresh, 32nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to civil procedure; to provide for the award of attorney and expert witness fees in certain civil proceedings; to provide duties; and to provide exceptions.

LEGISLATIVE BILL 198. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Chambers, 11th District; Goll, 16th District; V. Johnson, 8th District; Haberman, 44th District; Landis, 46th District; Chronister, 18th District.

A BILL FOR AN ACT to amend section 70-604.03, Reissue Revised Statutes of Nebraska, 1943, relating to public power; to authorize the division of voting precincts; to provide for charging additional costs; and to repeal the original section.

LEGISLATIVE BILL 202. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 24-342, 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; and to repeal the original sections, and also sections 29-2519 to 29-2546, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 208. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Hoagland, 6th District; Beutler, 28th District; Kremer, 34th District; Vickers, 38th District; Goll, 16th District.

A BILL FOR AN ACT to amend section 79-403, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to territory changes for districts; to eliminate certain provisions relating to the transfer of pupils; and to repeal the original section, and also sections 79-478, 79-479, and 79-482 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-480 and 79-481, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 210. By Vickers, 38th District.

A BILL FOR AN ACT relating to state aid to the public schools; to provide the source of funds for the School Foundation and Equalization Fund; to amend sections 77-27,132 and 79-1332, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 211. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-3510, 77-3512 to 77-3514, and 77-3516, Revised Statutes Supplement, 1980, relating to revenue and taxation; to eliminate a homestead exemption; to harmonize provisions; and to repeal the original sections, and also section 77-3506, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 212. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to medical records; to provide for a cancer registry with the State Board of Health; to define terms; to provide duties for the board and the Department of Health; and to limit the use of information contained within the cancer registry.

LEGISLATIVE BILL 215. By Chroninster, 18th District.

A BILL FOR AN ACT to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943, relating to divorce; to change procedures for termination of parental rights as prescribed; and to repeal the original section.

LEGISLATIVE BILL 219. By Sieck, 24th District.

A BILL FOR AN ACT relating to school financing; to amend sections 77-27,132 and 79-810, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715.01, 79-903, 79-904, 79-1007, and 79-1335, Revised Statutes Supplement, 1980; to declare intent; to provide limitations on certain levies; to change budget provisions; to change provisions relating to state aid to education; to provide for transfer of certain tax revenue; to define terms; to impose an income tax for support of schools as prescribed; to provide for determination of the tax rate; to prescribe tax rate formulae; to provide for administration; to provide penalties; to provide an additional computation in the setting of certain rates; to provide severability; to provide an operative date; and to repeal the original sections, and also sections 79-432 and 79-1007.02, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 222. By Public Works Committee: Kremer, 34th District, Chairperson; Hoagland, 6th District; Beutler, 28th District; Wesely, 26th District; Clark, 47th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 46-656 and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-659, 46-660, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1980, relating to ground water; to provide for the designation of an interim control area; to provide an election as prescribed; to eliminate the power to prohibit well permits in control areas; to increase the amount of a tax levied; and to repeal the original sections.

LEGISLATIVE BILL 226. By Haberman, 44th District.

A BILL FOR AN ACT relating to water; to adopt the Nebraska Water Well Drillers' Licensing Act; to amend section 46-602, Revised Statutes Supplement, 1980; to provide definitions; to create a fund; to provide procedures; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 226A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 226, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 229. By Telecommunications Committee: Clark, 47th District, Chairperson; Wagner, 41st District; Pirsch, 10th District; Sieck, 24th District; Burrows, 30th District; Chronister, 18th District; Wesely, 26th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend section 75-613, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to restrict a finding of inadequate exchange telephone service as prescribed; and to repeal the original section.

LEGISLATIVE BILL 230. By Fowler, 27th District.

A BILL FOR AN ACT relating to railroads; to prescribe certain standards for cabooses; to define terms; to prescribe when cabooses shall be utilized; to require reports; and to provide duties for the Public Service Commission.

LEGISLATIVE BILL 231. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 47-101 and 47-201, Reissue Revised Statutes of Nebraska, 1943, relating to jails; to provide for reductions in terms for good behavior; to remove funding limitations; and to repeal the original sections.

LEGISLATIVE BILL 233. By Maresh, 32nd District; Schmit, 23rd District; Hefner, 19th District; R. Peterson, 21st District; Sieck, 24th District.

A BILL FOR AN ACT relating to bonds; to authorize the issuance of bonds of the state for highway construction and repair as prescribed; to appropriate the proceeds thereof; to provide a priority for use; and to declare an emergency.

LEGISLATIVE BILL 237. By Wesely, 26th District.

A BILL FOR AN ACT to amend section 12-101, Reissue Revised Statutes of Nebraska, 1943, relating to Wyuka Cemetery; to change provisions relating to the payment of special taxes and assessments; and to repeal the original section.

LEGISLATIVE BILL 239. By Labedz, 5th District; L. Johnson, 15th District.

A BILL FOR AN ACT to amend sections 39-1713 and 39-1715 to 39-1718, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to change provisions relating to isolated lands; to provide for public access; to provide for payment of certain costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 240. By Pirsch, 10th District; Kilgarin, 7th District.

A BILL FOR AN ACT to amend section 84-1307, Reissue Revised Statutes of Nebraska, 1943, and section 84-1317, Revised Statutes Supplement, 1980, relating to the State Employees Retirement Act; to permit membership as prescribed; to decrease an elective retirement age; and to repeal the original sections.

LEGISLATIVE BILL 242. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 29-1001, Reissue Revised Statutes of Nebraska, 1943, and section 47-120, Revised Statutes Supplement, 1980, relating to custody and maintenance of prisoners; to provide for payment by the county for certain prisoners; to provide for the performance of certain duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 251. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 79-2637, Revised Statutes Supplement, 1980, relating to schools; to change certain provisions for computing state aid to technical community colleges; and to repeal the original section.

LEGISLATIVE BILL 255. By Hefner, 19th District; Von Minden, 17th District; Fitzgerald, 14th District; Wagner, 41st District; Chronister, 18th District; Wesely, 26th District; DeCamp, 40th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1980, relating to the Nebraska Veterans' Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 258A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 258, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 259. By Newell, 13th District; Wesely, 26th District.

A BILL FOR AN ACT to amend section 79-1255, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to redefine a term; to change procedures for contracting with teachers or administrators; to provide procedure for terminating such contracts; to restrict board members from voting as prescribed; to repeal the original section, and also sections 79-1256 to 79-1260, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 261. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend section 68-1006, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to provide a procedure for determining payment amounts; and to repeal the original section.

LEGISLATIVE BILL 263. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District.

A BILL FOR AN ACT to amend section 71-317, Reissue Revised Statutes of Nebraska, 1943, and section 71-162, Revised Statutes Supplement, 1980, relating to public health; to increase the examination fees for embalming and funeral directing licenses; to increase certain fees and a per diem as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 264. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Wesely, 26th District; R. Peterson, 21st District; Barrett, 39th District; Higgins, 9th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 83-383 and 83-388, Reissue Revised Statutes of Nebraska, 1943, relating to residential facilities for the mentally retarded; to change provisions on age as it relates to admission and continued residence applications; and to repeal the original sections.

LEGISLATIVE BILL 267. By R. Peterson, 21st District.

A BILL FOR AN ACT relating to evidence; to prohibit the introduction of certain proceedings and records by dental review committees.

LEGISLATIVE BILL 269. By Hefner, 19th District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to mental health care; to require development of a comprehensive plan; to provide duties for the Director of Public Institutions; and to declare an emergency.

LEGISLATIVE BILL 270. By Burrows, 30th District.

A BILL FOR AN ACT to amend section 71-1902, Reissue Revised Statutes of Nebraska, 1943, relating to child care; to increase to six the number of children a person may care for without a license; and to repeal the original section.

LEGISLATIVE BILL 274. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Schmit, 23rd District; Remmers, 1st District; Labedz, 5th District; Fitzgerald, 14th District; Landis, 46th District; Haberman, 44th District; Clark, 47th District.

A BILL FOR AN ACT relating to insurance; to provide education requirements for insurance agents, brokers, and consultants; to define terms; and to provide duties for the Director of Insurance.

LEGISLATIVE BILL 274A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 274, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 278. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1980, relating to taxation; to authorize a refund of certain sales taxes; and to repeal the original section.

LEGISLATIVE BILL 281. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 23-1114, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions relating to salaries; and to repeal the original section.

LEGISLATIVE BILL 287. By Rumery, 42nd District.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1032 and 79-1258, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2315, 79-1057, 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1980; to eliminate the mandatory retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 300. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to increase the corporate income tax rate; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 301. By Chronister, 18th District.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1980, relating to fees; to change provisions relating to fees and cost of service; and to repeal the original section.

LEGISLATIVE BILL 304. By Beutler, 28th District.

A BILL FOR AN ACT to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to require public notice of meetings; to authorize adjustments in tax rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 305. By Beutler, 28th District.

A BILL FOR AN ACT to amend sections 79-201, 79-204, 79-205, and 79-206, Reissue Revised Statutes of Nebraska, 1943, relating to compulsory education; to raise age limits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 309. By Wiitala, 31st District.

A BILL FOR AN ACT to amend section 79-406, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow the transfer of certain property to an adjoining school district as prescribed; and to repeal the original section.

LEGISLATIVE BILL 314. By Higgins, 9th District.

A BILL FOR AN ACT to amend section 68-703, Revised Statutes Supplement, 1980, relating to public assistance; to change provisions relating to the rules and regulations of the Director of Public Welfare; to exclude certain funeral payments from available resources; and to repeal the original section.

LEGISLATIVE BILL 319. By Education Committee: Koch, 12th District, Chairperson; Hoagland, 6th District; Beutler, 28th District; Vickers, 38th District; Goll, 16th District; Wiitala, 31st District.

A BILL FOR AN ACT relating to schools; to provide for the merger of certain Class I school districts; to provide duties of the state and county committees for the reorganization of school districts; to provide procedures; to amend sections 79-411, 79-426.23, 79-426.25, 79-426.26, and 79-1107, Reissue Revised Statutes of Nebraska, 1943, and sections 79-451 and 79-701, Revised Statutes Supplement, 1980; to provide operative dates; and to repeal the original sections, and also sections 79-403, 79-403.01 to 79-403.04, 79-406, 79-407, 79-478, 79-479, and 79-482 to 79-485, Reissue Revised Statutes of Nebraska, 1943, and sections 79-480 and 79-481, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 335. By Marsh, 29th District.

A BILL FOR AN ACT to adopt the Adult Protective Services Act; to amend sections 28-708, 28-710 to 28-713, 28-715, and 28-726, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 338. By Koch, 12th District.

A BILL FOR AN ACT relating to Nebraska common schools; to declare legislative intent relating to such schools.

LEGISLATIVE BILL 340. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 23-2402, 23-2406, and 23-2416, Reissue Revised Statutes of Nebraska, 1943, and section 23-2417, Revised Statutes Supplement, 1980, relating to the Political Subdivisions Tort Claims Act; to delete obsolete language; to provide for the allowance of attorneys' fees; to increase the time allowed for filing claims and bringing suit; and to repeal the original sections.

LEGISLATIVE BILL 341. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 81-8,210, 81-8,228, and 81-8,229, Reissue Revised Statutes of Nebraska, 1943, relating to the State Claims Board; to delete obsolete language; to change provisions relating to attorneys' fees; and to repeal the original sections.

LEGISLATIVE BILL 347. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Beyer, 3rd District; Pirsch, 10th District; Chronister, 18th District; Sieck, 24th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 18-301, 18-305 to 18-308, 18-312, 28-309, 18-518, 28-519, 28-707, and 28-708, Reissue Revised Statutes of Nebraska, 1943, and section 28-511, Revised Statutes Supplement, 1980; to harmonize penalty provisions with the Nebraska Criminal Code; to prohibit certain acts; to define the offense of breaking and entering; to provide penalties; to eliminate obsolete offenses relating to streetcars; and to repeal the original sections, and also sections 18-303 and 18-304, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 348. By Hoagland, 6th District.

A BILL FOR AN ACT relating to water; to provide provisions relating to the use of water as prescribed.

LEGISLATIVE BILL 349. By Haberman, 44th District.

A BILL FOR AN ACT to amend sections 8-331 and 8-355, Revised Statutes Supplement, 1980, relating to banks and banking; to change provisions relating to building and loan associations as prescribed; to change requirements for issuance of a certificate of approval; and to repeal the original sections.

LEGISLATIVE BILL 353. By Nichol, 48th District.

A BILL FOR AN ACT to amend sections 43-208 and 43-210.01, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to provide powers and duties of the Department of Public Welfare; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 358. By Schmit, 23rd District.

A BILL FOR AN ACT relating to political subdivisions; to provide for investment or deposit of funds as prescribed.

LEGISLATIVE BILL 359. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 31-735 and 31-735.02, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to change provisions relating to district elections; to change provisions relating to the payment of election board members as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 364. By Chambers, 11th District.

A BILL FOR AN ACT relating to highways and bridges; to state Legislative findings; and to prohibit certain planning and construction as prescribed.

LEGISLATIVE BILL 365. By Wesely, 26th District.

A BILL FOR AN ACT to amend sections 84-1308 to 84-1311, relating to state employees; to change certain provisions relating to contributions by the state and state employees to the state retirement system; and to repeal the original sections.

LEGISLATIVE BILL 370. By Goll, 16th District.

A BILL FOR AN ACT to amend sections 79-2804, 79-2820, and 79-2821, Revised Statutes Supplement, 1980, relating to schools; to eliminate an exception; to change provisions relating to the award of associate degrees; and to repeal the original sections.

LEGISLATIVE BILL 372. By Koch, 12th District.

A BILL FOR AN ACT relating to parole and prison sentences; to provide for the establishment of a parole advisory committee; to provide standards for granting parole; to provide duties; to provide limitations; to repeal sections 83-1,107 to 83-1,123, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 373. By Remmers, 1st District.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a local income tax by school districts and municipalities; and to provide duties for the Tax Commissioner.

LEGISLATIVE BILL 375. By Schmit, 23rd District; Kremer, 34th District.

A BILL FOR AN ACT relating to ground water; to provide intent; to provide for ground water management plans; to provide for the designation of a ground water management area as prescribed; to define terms; to provide for and change provisions relating to controls on ground water use; to provide powers and duties of natural resources districts; to amend sections 46-656, 46-672, and 46-674, Reissue Revised Statutes of Nebraska, 1943, and sections 46-657, 46-659, 46-660, 46-663, 46-666, and 46-673, Revised Statutes Supplement, 1980; and to repeal the original sections.

LEGISLATIVE BILL 378. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Maresh, 32nd District; R. Peterson, 21st District; Higgins, 9th District; Barrett, 39th District.

A BILL FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5836, 71-5838, 71-5846, 71-5847 to 71-5857, 71-5859, 71-5860, 71-5862, 71-5865 to 71-5868, and 71-5870, Revised Statutes Supplement, 1980, relating to public health and welfare; to change provisions of the Nebraska Health Care Certificate of Need Act as prescribed; to change certificate requirements; to change procedures for application and review; to define and redefine terms; to provide procedures for determining applicability of such act; to exempt certain organizations and facilities; to provide notification procedures; to provide for approval of certain applications; and to repeal the original sections, and also sections 71-5827 and 71-5842 to 71-5845, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 380. By Nichol, 48th District.

A BILL FOR AN ACT relating to persons confined to facilities under the control of the Department of Public Institutions; to provide procedures for authorizing mental, medical, and dental treatment for persons confined to such facilities; and to declare an emergency.

LEGISLATIVE BILL 383. By Warner, 25th District.

A BILL FOR AN ACT to amend section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-305.09, Revised Statutes Supplement, 1980, relating to motor vehicles; to change registration and licensing provisions for certain vehicles as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 386. By Beutler, 28th District.

A BILL FOR AN ACT relating to judicial districts; to amend sections 5-105 and 24-503, Revised Statutes Supplement, 1980; to change the number and composition of judicial districts; to change the number of county judges; and to repeal the original sections.

LEGISLATIVE BILL 387. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 35-212, Revised Statutes Supplement, 1980, relating to firefighters; to provide for a deferred annuity for certain terminated firefighters as prescribed; and to repeal the original section.

LEGISLATIVE BILL 395. By Fowler, 27th District.

A BILL FOR AN ACT relating to retirement; to provide for supplemental retirement benefits; to provide duties for the Public Employees Retirement Board; and to create a fund.

LEGISLATIVE BILL 399. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 24-703, 24-707, and 24-710, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change certain provisions of the Nebraska Judges Fund as prescribed; to prohibit certain associate county judges from membership; and to repeal the original sections.

LEGISLATIVE BILL 400. By Lamb, 43rd District; Kremer, 34th District.

A BILL FOR AN ACT to amend section 70-655, Reissue Revised Statutes of Nebraska, 1943, relating to public power and irrigation districts; to state policy; to provide for the use of excess generating capacity as prescribed; and to repeal the original section.

LEGISLATIVE BILL 401. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 46-657, 46-658, 46-665, 46-666, and 46-673, Revised Statutes Supplement, 1980, relating to ground water; to provide for the establishment of control areas by election; to provide definitions; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 402. By Nichol, 48th District.

A BILL FOR AN ACT relating to criminal procedure; to provide a procedure whereby the prosecution may appeal the sentence imposed in a criminal case.

LEGISLATIVE BILL 403. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend section 81-885.24, Revised Statutes Supplement, 1980, relating to the State Real Estate Commission; to provide that certain actions constitute unfair trade practices; and to repeal the original section.

LEGISLATIVE BILL 404. By Fowler, 27th District; DeCamp, 40th District; Rumery, 42nd District; Maresh, 32nd District; Marvel, 33rd District.

A BILL FOR AN ACT to adopt the Nebraska Community Aging Services Act; to replace the Nebraska Commission on Aging with a department; to amend sections 68-1101, 68-1103, 68-1105, and 81-102, Reissue Revised Statutes of Nebraska, 1943, and section 68-1104, Revised Statutes Supplement, 1980; and to repeal the original sections.

LEGISLATIVE BILL 408. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1980, relating to oversize vehicles; to change provisions relating to issuance of special permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 410. By Landis, 46th District.

A BILL FOR AN ACT to amend sections 48-633 and 48-635, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to create the Nebraska Appeal Tribunal; to delineate authority; to provide powers and duties; to provide for appointments; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 412. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-1343, 77-1344, 77-1345, and 77-1348, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural lands; to restrict uses of land zoned as agricultural; to change an application date; to increase the interest rate charged upon an additional tax and to change the period for which such interest applies; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 413. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to speed detection; and to repeal the original section.

LEGISLATIVE BILL 414. By Chambers, 11th District.

A BILL FOR AN ACT to adopt the Nebraska Law Enforcement Procedures Act.

LEGISLATIVE BILL 415. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Fenger, 45th District; Barrett, 39th District; Wesely, 26th District.

A BILL FOR AN ACT relating to public health; to amend sections 71-5001, 71-5004, 71-5005, 71-5007, 71-5008, 71-5010, 71-5014, 83-101.01, 83-1,147, 83-1,148, 83-1,151, and 83-1,152, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5002, 71-5003, 71-5021, 71-5022, 71-5027, 71-5032, and 83-1,149, Revised Statutes Supplement, 1980; to change the name of the Division of Medical Services; to provide for a Director of Mental Health; to change duties and responsibilities of regional governing boards; to provide for regional mental health advisory boards; to provide for regional mental health administrators; to provide for a state mental health plan; to provide duties; to provide for allocation of funds; to provide for the transfer of patients from the Norfolk Regional Center; and to repeal the original sections, and also sections 71-5006, 71-5009, 71-5011, 71-5013, 71-5015, and 83-1,150, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 416. By Cullan, 49th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 5, 6, 7, and 10, of the Constitution of Nebraska, relating to the Legislature; to allow an increase in membership; to increase the compensation allowed; to limit the introduction of bills; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 417. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1980, relating to rules of the road; to change certain provisions relating to the movement of certain vehicles and equipment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 418. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943, relating to the register of deeds; to change provisions relating to the recording of plats and subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 421. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Clark, 47th District; Fitzgerald, 14th District; Remmers, 1st District; Labedz, 5th District; Haberman, 44th District.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for reporting and investigation of violations by professional licensees; to provide for confidentiality of records; and to provide a penalty.

LEGISLATIVE BILL 423. By Hoagland, 6th District.

A BILL FOR AN ACT relating to education; to define terms; to encourage the development of programs for gifted children; to provide duties; to create a fund; to change funding provisions for certain programs as prescribed; to amend section 79-1337, Revised Statutes Supplement, 1980; and to repeal the original section.

LEGISLATIVE BILL 424. By Rumery, 42nd District.

A BILL FOR AN ACT relating to retirement; to create the Elected County Officers' Retirement System as prescribed; to define terms; to provide duties for the Public Employees Retirement Board; to amend section 23-2302, Reissue Revised Statutes of Nebraska, 1943, and section 84-1503, Revised Statutes Supplement, 1980; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 426. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 44-407.01 to 44-407.06, Reissue Revised Statutes of Nebraska, 1943, and sections 44-404, 44-407, 44-407.08, and 44-407.09, Revised Statutes Supplement, 1980, relating to insurance; to establish standards of valuation, interest rates, and reserves as prescribed; to change the Standard Nonforfeiture Law for Life Insurance as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 428. By V. Johnson, 8th District.

A BILL FOR AN ACT to amend sections 30-2601, 30-2619, 30-2620, 30-2624, 30-2625, 30-2627, 30-2628, 30-2630, and 30-2633, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Probate Code; to define and redefine terms; to change procedures for court appointment of a guardian of an incapacitated person; to provide procedures for use of visitors; to provide duties; to limit protective orders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 429. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 72-1101 to 72-1103 and 72-1120 to 72-1124, Reissue Revised Statutes of Nebraska, 1943, and section 72-1119, Revised Statutes Supplement, 1980, relating to public buildings; to provide for the adoption of certain codes; to redefine terms; to harmonize provisions; to provide for enforcement; to change membership of a committee; to provide duties; to provide a penalty; to repeal the original sections, and also sections 72-1104 to 72-1118, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 431. By Newell, 13th District.

A BILL FOR AN ACT to amend section 53-123.02, Revised Statutes Supplement, 1980, relating to liquors; to authorize samples of alcoholic liquors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 432. By Hoagland, 6th District; DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Uniform Comparative Fault Act; to provide for application; to provide severability; and to repeal section 25-1151, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 435. By Urban Affairs Committee: Landis, 46th District, Chairperson; Fenger, 45th District; Remmers, 1st District; Haberman, 44th District; Higgins, 9th District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to the Nebraska Housing Authority Law; to amend sections 71-1519, 71-1520, 71-1522 to 71-1524, 71-1526, 71-1528, 71-1529, 71-1531, 71-1535, 71-1539, 71-1541, 71-1543 to 71-1545, and 71-1550 to 71-1553, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1536 and 77-2704, Revised Statutes Supplement, 1980, to provide for the creation, operation, and dissolution of joint housing authorities; to provide governing bodies for such authorities; to expand powers of housing authorities as prescribed; to change provisions relating to termination of tenants; to provide for disclosure of information on tenants as prescribed; to change provisions relating to financing of the authorities; to change provisions relating to actions against an authority; to provide a sales and use tax exemption; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 440. By Kilgarin, 7th District.

A BILL FOR AN ACT to amend sections 79-516.04, 79-1003, and 79-1103, Reissue Revised Statutes of Nebraska, 1943, and sections 79-803.03 and 79-902.01, Revised Statutes Supplement, 1980, relating to schools; to permit a student member to serve on school boards in certain districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 442. By Nichol, 48th District; Chambers, 11th District; Sieck, 24th District; Chronister, 18th District; Beyer, 3rd District; Von Minden, 17th District.

A BILL FOR AN ACT relating to public institutions; to amend sections 43-646.08, 81-101, 81-102, 83-101.01, 83-108, 83-1,141, 83-1,143 to 83-1,143.02, 83-1,143.04, 83-1,143.05, 83-1,147, 83-1,148, 83-1,150 to 83-1,152, 83-227.01, and 83-339, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5003, 83-1,142, and 83-1,149, Revised Statutes Supplement, 1980; to change the names of a department and its divisions; to define and redefine terms; to change and to provide duties as prescribed; to provide for funding of certain programs; to provide duties for the Revisor of Statutes; to provide for severability; to repeal the original sections, and also sections 71-5011 and 83-1,143.03, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 443. By Wiitala, 31st District.

A BILL FOR AN ACT relating to schools; to provide a system for promoting professional growth by school employees as prescribed; and to establish a fund.

LEGISLATIVE BILL 444. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; V. Johnson, 8th District; Chambers, 11th District; Chronister, 18th District; Landis, 46th District.

A BILL FOR AN ACT relating to budgets; to amend section 23-923, Reissue Revised Statutes of Nebraska, 1943, and section 84-304.03, Revised Statutes Supplement, 1980; to provide an exemption; to change certain requirements for budget statements by political subdivisions; to require audit standards for political subdivisions; to prohibit certain activities; and to repeal the original sections.

LEGISLATIVE BILL 448. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Rumery, 42nd District; Cope, 36th District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District; Dworak, 22nd District.

A BILL FOR AN ACT relating to medicine and surgery; to amend sections 71-1,106 and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Medicine and Surgery; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide education requirements before licensure renewal; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Medicine and Surgery; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 449. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Rumery, 42nd District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District; Cope, 36th District; Dworak, 22nd District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,136.01, 71-1,136.03, and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Optometry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Optometry; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 450. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd

District; Hoagland, 6th District; Labedz, 5th District; Fowler, 27th District; Cope, 36th District; Dworak, 22nd District; Marsh, 29th District.

A BILL FOR AN ACT relating to podiatry; to amend sections 71-174.01 and 71-2610, Reissue Revised Statutes of Nebraska, 1943, and sections 71-133, 71-162, and 81-196, Revised Statutes Supplement, 1980; to change provisions relating to the Board of Examiners in Podiatry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Podiatry; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 454. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change the adjustment increments for sales and income tax rates; and to repeal the original section.

LEGISLATIVE BILL 455. By Fowler, 27th District.

A BILL FOR AN ACT to repeal sections 79-1287 to 79-1295, Reissue Revised Statutes of Nebraska, 1943, relating to schools; and to repeal the Nebraska Teachers' Professional Negotiations Act.

LEGISLATIVE BILL 456. By Wesely, 26th District.

A BILL FOR AN ACT to adopt the Fire and Structural Safety Act; to amend sections 48-418 to 48-418.13, 48-701 to 48-703, 48-705 to 48-710, 48-713, 48-714.01, 48-715 to 48-718, 71-1555 to 71-1558, 71-1560 to 71-1562, 71-1564 to 71-1567, 71-4601 to 71-4607, 71-4609 to 71-4620, 72-1101 to 72-1118, 72-1122 to 72-1124, 81-101, 81-102, 81-501.01, 81-502, 81-502.04, 81-503 to 81-510, 81-514, 81-516 to 81-520, 81-521, 81-524 to 81-527, 81-530 to 81-532, 81-535 to 81-537, 81-539, 81-540, 81-542 to 81-544, 81-546 to 81-549, 81-574, 81-576, 81-580, 81-582, 81-583, 81-585, 81-586, 81-588, 81-591, 81-593, 81-595, 81-597, 81-599, 81-5,100, 81-5,104, 81-5,108, 81-5,109, and 81-5,112, Reissue Revised Statutes of Nebraska, 1943, and sections 48-704, 48-712, 48-714, 48-714.02, 71-1559, 71-1563, 71-4608, 72-1119, 72-1120, 72-1121, 81-502.01 to 81-502.03, 81-513, 81-520.01, 81-520.02, 81-523, 81-550, 81-572, 81-573, 81-575, 81-577, 81-578, 81-579, 81-590, 81-596, 81-598, 81-5,105, 81-5,110, 81-5,111, 81-5,113, 81-5,117, 81-5,123, and 81-1608 to 81-1626, Revised

Statutes Supplement, 1980; to provide an operative date; and to repeal the original sections, and also section 81-551, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 458. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Warner, 25th District; Goodrich, 20th District; Rumery, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1013.02, 23-2319, 24-706, 60-458, 79-1049, 79-1527, 79-1529, and 84-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 16-336, 23-2315, 35-212, and 84-1317, Revised Statutes Supplement, 1980; to change provisions relating to certain benefits; to change vesting provisions as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 461. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Rumery, 42nd District; Warner, 25th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 24-707, and 84-1307, Reissue Revised Statutes of Nebraska, 1943, and sections 60-452.01, 84-1301, 85-106, and 85-320, Revised Statutes Supplement, 1980; to provide uniform membership requirements for certain public employees; to change certain benefits; to change certain vesting provisions; to change provisions relating to the receipt of benefits; and to repeal the original sections.

LEGISLATIVE BILL 464. By Nebraska Retirement Systems Committee: Fowler, 27th District, Chairperson; Goodrich, 20th District; Rumery, 42nd District; Warner, 25th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to retirement; to amend sections 15-1001, 19-3501, and 84-1501, Reissue Revised Statutes of Nebraska, 1943, and sections 16-330, 35-201, and 84-1503, Revised Statutes Supplement, 1980; to require certain cities and villages to create retirement committees; to provide duties; to increase the membership of the Public Employees Retirement Board; to provide additional duties for such board; to provide for advisory committees; and to repeal the original sections.

LEGISLATIVE BILL 465. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and punishments; to impose certain conditions upon the sentences of persons convicted for assault while in custody.

LEGISLATIVE BILL 467. By Barrett, 39th District.

A BILL FOR AN ACT to amend sections 16-707 and 77-1759, Reissue Revised Statutes of Nebraska, 1943, and section 77-1701, Revised Statutes Supplement, 1980, relating to collection of certain taxes; to require delivery of certain statements; to require county treasurers to make certain reports; and to repeal the original sections.

LEGISLATIVE BILL 472A. By Hoagland, 6th District.

A BILL FOR AN ACT to amend sections 79-1233 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide an exemption from certain requirements; to provide duties; to provide for termination; and to repeal the original sections.

LEGISLATIVE BILL 473. By Cullan, 49th District.

A BILL FOR AN ACT relating to industrial siting; to adopt the Industrial Siting Act as prescribed; to provide duties; and to define terms.

LEGISLATIVE BILL 474. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Higgins, 9th District; Sieck, 24th District; Vickers, 38th District; Pirsch, 10th District; Carsten, 2nd District; H. Peterson, 35th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 7 and 19, of the Constitution of Nebraska, and the further amendment to Article XV of the Constitution of Nebraska, by adding a new section 19 thereto, relating to the Legislature; to create a Legislative Compensation Commission; to provide duties; to provide that compensation for members of the Legislature shall be adjusted as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 480. By Hoagland, 6th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 24-519, 44-503.01, 77-3307, 77-3310, and 77-3313, Reissue Revised Statutes of Nebraska, 1943, and sections 24-559, 77-2102, 77-27,136, and 77-27,137, Revised Statutes Supplement, 1980; to eliminate the inheritance tax; to harmonize provisions; to eliminate the discharge of liens as prescribed; to increase an appropriation to the Governmental Subdivision Fund; to eliminate obsolete language; to provide an operative date; and to repeal the original sections, and also sections 33-126.03, 77-1923 to 77-1928, and 77-1933 to 77-1937, Reissue Revised Statutes of Nebraska, 1943, and Chapter 77, article 20, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 488. By Goodrich, 20th District.

A BILL FOR AN ACT relating to certain constitutional officers; to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, and sections 75-104, 84-201.01, and 84-721, Revised Statutes Supplement, 1980; to provide a salary increase and adjustment for such officers; and to repeal the original sections.

LEGISLATIVE BILL 490. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 81-573, Revised Statutes Supplement, 1980, relating to the State Electrical Division; to transfer control of such division; to provide duties of the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 492. By Kahle, 37th District.

A BILL FOR AN ACT relating to counties; to authorize the issuance of certain bonds as prescribed; to provide limitations; to provide for notice; to provide for the levy of taxes; and to authorize the pledge of certain revenue.

LEGISLATIVE BILL 493. By Chambers, 11th District.

A BILL FOR AN ACT to adopt the Private Security Act; to amend section 81-1423, Revised Statutes Supplement, 1980; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 498. By Barrett, 39th District.

A BILL FOR AN ACT to amend sections 79-487 and 79-810, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3424, 79-903, and 79-1007, Revised Statutes Supplement, 1980, relating to schools; to allow a tax to be levied for the transportation of school children to and from school and school related activities as prescribed; to exempt such tax from certain limitations; and to repeal the original sections.

LEGISLATIVE BILL 502. By Wesely, 26th District; DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5836, 71-5838, 71-5846, 71-5847, 71-5849 to 71-5857, 71-5859, 71-5860, 71-5862, 71-5865 to 71-5868, and 71-5870, Revised Statutes Supplement, 1980, relating to public health and welfare; to change provisions of the Nebraska Health Care Certificate of Need Act as prescribed; to change certificate requirements; to change procedures for application and review; to define and redefine terms; to provide procedures for determining applicability of such act; to exempt certain organizations and facilities; to provide notification procedures; to provide for approval of certain applications; to provide for application of this act; and to repeal the original sections, and also sections 71-5827 and 71-5842 to 71-5845, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 507. By Cullan, 49th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 79-328, 85-969, 85-975, 85-977, 85-981, 85-985, 85-990, 85-992, 85-994, and 85-995 to 85-9,102, Revised Statutes Supplement, 1980; to terminate the Nebraska Coordinating Commission for Postsecondary Education; to repeal its powers and duties; to transfer powers and duties; to repeal the original sections, and also sections 85-901 to 85-909, Reissue Revised Statutes of Nebraska, 1943, and sections 85-910 to 85-916, 85-974, and 85-983, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 508. By Wesely, 26th District.

A BILL FOR AN ACT relating to reclamation districts; to amend sections 46-503 to 46-514, 46-518, 46-525, 46-529, 46-541, 46-564, and 46-566, Reissue Revised Statutes of Nebraska, 1943, and sections 46-516 and 46-543, Revised Statutes Supplement, 1980; to provide for additional district electors; to provide a public hearing before forming a district; to provide for additional findings as prescribed; to provide for district continuance elections every ten years; to provide for special elections as prescribed; to change election procedures as prescribed; to provide district election information to certain officials; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 509. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 71-206 and 71-208.08, Revised Statutes Supplement, 1980, relating to public health and welfare; to change provisions for certification of apprentice barbers; to change provisions relating to the training and instructional requirements for barbers and cosmetologists; and to repeal the original sections.

LEGISLATIVE BILL 510. By Lamb, 43rd District.

A BILL FOR AN ACT relating to mental retardation; to provide for contracts between regional offices and school districts as prescribed.

LEGISLATIVE BILL 511. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1980, relating to motor vehicle registration; to clarify an exemption; and to repeal the original section.

LEGISLATIVE BILL 513. By Pirsch, 10th District; Beutler, 28th District.

A BILL FOR AN ACT to adopt the Construction Lien Act; to provide duties of the Revisor of Statutes; to provide an operative date; and to repeal sections 52-101 to 52-114, 52-121, and 52-122, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 514. By Pirsch, 10th District; Beutler, 28th District.

A BILL FOR AN ACT relating to mechanic's liens; to amend sections 52-101, 52-102, 52-103, 52-124, and 76-239.05, Reissue Revised Statutes of Nebraska, 1943; to require sending and filing certain notices as prescribed; to require furnishing of certain information; to increase penalties; and to repeal the original sections.

LEGISLATIVE BILL 520. By V. Johnson, 8th District.

A BILL FOR AN ACT to adopt the Child Care and Development Services Act; to provide a penalty; to repeal sections 43-531 and 71-1901 to 71-1904, Reissue Revised Statutes of Nebraska, 1943, and section 71-1905, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 521. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to paupers and public assistance; to require counties to adopt written standards; to provide duties; to provide for hearings; to provide for appeals; to provide certain eligibility standards; to repeal sections 68-103 to 68-116, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 522. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public welfare; to transfer the administration of welfare programs from the counties to the state; to amend sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103 to 68-105, 68-109, 68-110, 68-115, 68-126, 68-128, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1001, 68-1007, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, and sections 19-2702, 19-2716, 43-512, 68-703, 68-1008, and 68-1022, Revised Statutes Supplement, 1980; to harmonize provisions; to provide duties for the Department of Public Welfare; to eliminate certain assistance provisions; to provide an operative date; to repeal the original sections, and also sections 43-505, 43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-322.01, 68-329, 68-704 to 68-709, 68-711, 68-1009, and 68-1010, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 524. By Chronister, 18th District; Von Minden, 17th District; Schmit, 23rd District; Kahle, 37th District; H. Peterson, 35th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-112, 77-2734, and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, sections 68-1022, 77-27,136, 77-27,137, 77-3523, 79-1331, 79-1333.02, 79-1334, and 79-1336, Revised Statutes Supplement, 1980, and Laws 1980, LB 1002, sections 5, 6, 13, and 32; to change provisions relating to state aid to counties, cities, villages, and schools as prescribed; to provide that the state pay additional medical assistance; to increase the corporate income tax rate; to eliminate the authorization to impose a local sales and use tax; to provide operative dates; to repeal the original sections, and also sections 77-27,139, 77-27,140, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,137.01, and 77-27,142 to 77-27,142.05, Revised Statutes Supplement, 1980, and sections 8 and 9 of this act; and to declare an emergency.

LEGISLATIVE BILL 525. By Sieck, 24th District.

A BILL FOR AN ACT relating to criminal procedure; to compel testimony of a witness; to provide immunity; and to repeal section 29-2011.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 527. By Schmit, 23rd District; Von Minden, 17th District; Wagner, 41st District; R. Peterson, 21st District.

A BILL FOR AN ACT relating to water and land resources; to provide intent; to create the position and office of Executive Coordinator for Natural Resources; to provide powers and duties of such executive coordinator; to transfer functions from the Nebraska Natural Resources Commission to the Department of Water Resources as prescribed; to provide for the Water Project Implementation Program; to provide for funding; to create a fund; to amend section 2-3264, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1505 and 77-2602, Revised Statutes Supplement, 1980; to provide duties of the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 528. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide a lien for the furnishing of certain products and services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 531. By Labedz, 5th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members of the Legislature shall receive no compensation, but shall be reimbursed for expenses reasonably and necessarily incurred; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 533. By Kahle, 37th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 71-5102, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5502 to 71-5507, Revised Statutes Supplement, 1980, relating to public health and welfare; to eliminate the Board of Ambulance Advisors and the Board of

Advanced Emergency Medical Care; to create a new board; to provide for membership and duties; to provide an operative date; and to repeal the original sections, and also sections 71-5115 to 71-5118, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 535. By Warner, 25th District, at the request of the Governor.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 22, of the Constitution of Nebraska, relating to the Legislature; to provide for appropriations during sessions in odd-numbered years; to permit four-year appropriations for new programs; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 542. By Schmit, 23rd District, at the request of the Governor.

A BILL FOR AN ACT to amend sections 2-2402, 2-2405, 2-2406, 2-2408, 2-2408.01, 2-2408.02, and 2-2409, Reissue Revised Statutes of Nebraska, 1943, relating to artificial weather modification; to eliminate the Weather Modification Commission; to provide duties for the Department of Agriculture; to repeal the original sections, and also section 2-2404, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 546. By Newell, 13th District; Kilgarin, 7th District; Koch, 12th District; Fitzgerald, 14th District; Beyer, 3rd District.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide the power to restrict traffic as prescribed; to provide duties; and to provide a penalty.

LEGISLATIVE BILL 547. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wiitala, 31st District; Maresh, 32nd District; Wagner, 41st District; Remmers, 1st District.

A BILL FOR AN ACT relating to food; to adopt the Nebraska Food Act; to adopt model ordinances and a code by reference; to provide duties for the Department of Agriculture; to provide for licenses and fees as prescribed; to harmonize provisions; to change provisions relating to the Consumer Protection Act; to provide a penalty; to amend sections 54-1902, 54-1906, 54-1911, and 54-1912, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised

Statutes Supplement, 1980; to repeal provisions relating to the regulation of certain hotels and inns; to repeal provisions relating to the handling of certain foods; to provide an operative date; to provide for severability; to repeal the original sections, and also sections 41-101 to 41-130, 81-217 to 81-217.09, 81-217.11 to 81-217.14, 81-217.16 to 81-217.28, 81-2,111 to 81-2,119, 81-2,122 to 81-2,124, 81-2,127, 81-2,129, 81-2,132, 81-2,133, 81-2,134.01, 81-2,134.03 to 81-2,134.11, and 81-2,181 to 81-2,184, Reissue Revised Statutes of Nebraska, 1943, and sections 81-217.10, 81-217.15, 81-2,120, 81-2,121, 81-2,134, and 81-2,185, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 550. By Cullan, 49th District.

A BILL FOR AN ACT to adopt the Nebraska Mining and Reclamation Act; to provide penalties; and to declare an emergency.

FIRST DAY - JANUARY 6, 1982

LEGISLATIVE JOURNAL

FIRST DAY - JANUARY 6, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 6, 1982

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Seventh Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:01 a.m. on Wednesday, January 6, 1982, and was called to order by President Luedtke.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska

Presentation of colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Apking, Shari
Barrett, Bill
Beutler, Chris
Beyer, Emil
Burrows, George
Carsten, Calvin
Chambers, Ernie
Chronister, Harry
Clark, Robert
Cope, Ron
Cullan, Samuel
DeCamp, John
Duda, Walter
Dworak, Donald
Fenger, George
Fowler, Steve
Goll, James
Goodrich, Glenn
Haberman, Rex
Hefner, Elroy
Higgins, Marge
Hoagland, Peter
Johnson, Lowell
Johnson, Vard
Kahle, Martin
Kilgarin, Karen
Koch, Gerald
Kremer, Maurice
Labedz, Bernice
Lamb, Howard
Landis, David
Marsh, Shirley
Marvel, Richard
Newell, David
Nichol, William
Peterson, Howard
Peterson, Richard
Pirsch, Carol
Remmers, R. Wiley
Rumery, Myron
Schmit, Loran
Sieck, Harold
Stoney, Larry
Vickers, Tom
Von Minden, Merle
Wagner, Donald
Warner, Jerome
Wesely, Donald
Wiitala, Steve

MOTION - Adopt Rules

Mr. Wesely moved that the Rules in effect on the 90th Legislative Day of the 87th Legislature, 1st Session, except for Rule 2, Section 2, be adopted for today only, January 6, 1982.

The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

MESSAGE FROM THE GOVERNOR

January 6, 1982

The Honorable President, Speaker and
Members of the Nebraska Legislature:

Once again it is with pleasure that I welcome you back to the Second Session of the Eighty-Seventh Legislature. As I will deliver my Budget Address and State of the State Message next Monday, I have chosen not to appear today. I realize every minute is valuable during this sixty day session.

We are all aware of the dramatic changes that have taken place in the past year. The tasks before us in representative government are difficult. I wish to take this occasion to renew my pledge to work cooperatively with you to find solutions to our problems. By working together, through an open and honest exchange of ideas, we can make state government more responsive and a more effective servant of all Nebraskans.

With kind personal regards.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:jkb

CERTIFICATE FROM THE SECRETARY OF STATE

STATE OF NEBRASKA
DEPARTMENT OF STATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected or appointed to serve in the Eighty-Seventh Legislature, Second Session (Regular), 1982.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-Seventh Legislature, Second Session (Regular), 1982.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln the sixth day of January in the year of our Lord, one thousand nine hundred and eighty-two.

(Signed) Allen J. Beermann
Secretary of State

MEMBERS OF THE LEGISLATURE EIGHTY-SEVENTH LEGISLATURE SECOND SESSION (Regular) 1982

DISTRICT	NAME	ELECTED OR APPOINTED
1	R. Wiley Remmers	November 4, 1980
2	Calvin Carsten	November 7, 1978
3	Emil E. Beyer, Jr.	November 4, 1980
4	Larry Stoney	November 7, 1978
5	Bernice Koziol Labedz	November 4, 1980
6	Peter Hoagland	November 7, 1978
7	Karen Kilgarin	November 4, 1980
8	Vard Johnson	November 7, 1978
9	Marge Higgins	November 4, 1980
10	Carol McBride Pirsch	November 7, 1978
11	Ernie Chambers	November 4, 1980
12	Gerald Koch	November 7, 1978
13	Dave Newell	November 4, 1980
14	Walter J. Duda	***Appointed 7-13-81
15	Lowell C. Johnson	November 4, 1980
16	James E. Goll	*Appointed 1-5-81
17	Merle Von Minden	November 4, 1980
18	Harry B. Chronister	November 4, 1980
19	Elroy M. Hefner	November 4, 1980
20	Glenn A. Goodrich	November 7, 1978
21	Richard Peterson	November 4, 1980
22	Donald N. Dworak	November 7, 1978
23	Loran C. Schmit	November 4, 1980
24	Harold F. Sieck	November 7, 1978
25	Jerome Warner	November 4, 1980
26	Don Wesely	November 7, 1978
27	Steve Fowler	November 4, 1980

28	Chris Beutler	November 7, 1978
29	Shirley Marsh	November 4, 1980
30	George Bill Burrows	November 7, 1978
31	Steve Wiitala	November 4, 1980
32	Sharon Apking	**Appointed 6-8-81
33	Richard D. Marvel	November 4, 1980
34	Maurice A. Kremer	November 7, 1978
35	Howard L. Peterson	November 4, 1980
36	Ron Cope	November 7, 1978
37	Martin F. Kahle	November 4, 1980
38	Tom Vickers	November 7, 1978
39	William E. Barrett	November 4, 1980
40	John DeCamp	November 7, 1978
41	Donald L. Wagner	November 4, 1980
42	Myron G. A. Rumery	November 7, 1978
43	Howard A. Lamb	November 4, 1980
44	Rex Haberman	November 7, 1978
45	George Fenger	November 4, 1980
46	David M. Landis	November 7, 1978
47	Robert L. Clark	November 4, 1980
48	William E. Nichol	November 7, 1978
49	Samuel K. Cullan	November 4, 1980

* Appointed to complete term of Walter George
** Appointed to complete term of Richard Maresh
*** Appointed to complete term of Thomas Fitzgerald

NOTICE OF COMMITTEE HEARING
Education

Governor's Appointments
Thursday, January 7, 1982 1:30 p.m.
Educational Lands and Funds
Mr. Gene Moody
Mr. Henry Krug, Jr.

(Signed) Jerry Koch, Chairperson

MESSAGES FROM THE GOVERNOR

October 16, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the Board of Parole requiring legislative confirmation:

Doris D. Collins, 1060 South 32nd Street, Lincoln 68510, term expiring September 9, 1987.

This reappointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Doris D. Collins
Board of Parole
Accountability and Disclosure Commission

October 16, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Ken Wall, Director of the Health Manpower Referral Service, Box 94812, Sixth Floor, State Capitol, Lincoln 68509, for a term as provided by law, succeeding Thomas C. Kennedy, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Ken Wall
Department of Health
Accountability and Disclosure Commission

November 9, 1981

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 8 and Reengrossed Legislative Bill 7 were received on November 7, 1981.

These bills were signed by me on November 7, 1981 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

November 9, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Safety Center Advisory Council requiring legislative confirmation:

Reappointments:
Don Cattle, Wayne State College, Wayne 68787;
Lorraine Giles, 3505 Chandler Road, Omaha 68147;
Dr. Kenneth Kimball, Medical Arts Building Kearney 68847;
E. L. Laird, 8217 Browne, Omaha 68134;
John J. Peterson, Northwestern Bell Telephone Co., Room 820, 1314 Douglas on the Mall, Omaha 68102;
Ken Sieckmeyer, Department of Roads, Lincoln 68509;
Appointment:
Jack Buist, Nebraska State Patrol, Lincoln 68509, succeeding Lt. Col. Elmer Kohmetscher, term expired.

All of the above appointments which expire August 24, 1984 are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Safety Center Advisory Council
Accountability and Disclosure Commission

November 19, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Highway Bond Commission requiring legislative confirmation:

Harold Peterson, Chappell 69129, to serve at the pleasure of the Governor, succeeding Bryan Quigley, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Harold Peterson
Nebraska Highway Bond Commission
Accountability and Disclosure Commission

November 19, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Board of Health requiring legislative confirmation:

Ronald E. Houser, D.V.M., 3218 Cornhusker Drive, Omaha 68124, for a term extending to September 14, 1984, succeeding S. R. Chaulk, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mhd
cc: Ronald E. Houser, D.V.M.
State Board of Health
Accountability and Disclosure Commission

December 21, 1981

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Don Leuenberger, 5717 So. 25th Street, Lincoln 68512, Director of the Department of Revenue, for a term as prescribed by law, succeeding Fred Herrington, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Don Leuenberger
Accountability and Disclosure Commission
Department of Revenue

December 22, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointment to the State Highway Commission requiring legislative confirmation:

Merle Kingsbury, Ponca 68770.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Merle Kingsbury
Accountability and Disclosure Commission
State Highway Commission

December 22, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Babette Prostok, 630 South Shore Drive, Hastings 68901, Member of the State Highway Commission, for a term extending to September 14, 1985, succeeding Milan Bish, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Babette Prostok
Accountability and Disclosure Commission
State Highway Commission

December 22, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Betsy Palmer, 7440 Briarhurst Circle, Lincoln 68506, Director of the Policy Research Office, for a term as prescribed by law, succeeding Larry Bare, who was appointed Director of the Budget Division.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Betsy Palmer
Accountability and Disclosure Commission
Policy Research Office

December 28, 1981

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Highway Commission requiring legislative confirmation:

Duane W. Acklie, Box 81228, Lincoln 68501, to a term extending until September 14, 1987, succeeding Karl Dickinson, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Duane Acklie
Accountability and Disclosure Commission
State Highway Commission

ATTORNEY GENERAL'S OPINIONS

Opinion No. 150
November 6, 1981

Dear Senator Beutler:

You have asked for a legal opinion as to whether Neb.Rev.Stat. §24-516 (Reissue 1979) may constitutionally be amended to provide that the Chief Justice may assign a county judge from a different district or a municipal court judge to temporarily perform duties in a county court when in his opinion such assignment would be beneficial to the administration of justice.

As you know, the statute now provides for the assignment of a county judge from a different district and the change about which you ask would be the addition as to a municipal court judge.

We are writing this answer on the assumption that you are requesting this information in connection with proposed legislation to be reviewed by the Legislature.

Article V, Section 1 of the Constitution of Nebraska provides, in part, that "The judicial power of the state shall be vested in a Supreme Court, district courts, county courts, in and for each county, with one or more judges for each county, or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law."

Article V, Section 19 of the Constitution of Nebraska provides, "The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as requlated by law and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform."

While we have not been able to find a case containing the same circumstances as the question here involved, the Supreme Court of Nebraska has construed Article V, Section 9, in connection with the substitution of municipal courts in Douglas County for justice of the peace courts under a former constitutional provision. As to the question of uniformity, the court stated, "If a law is general and uniform throughout the state, operating alike upon all persons and localities of a class, or who are brought within the relations and circumstances provided for, it is not objectionable as wanting uniformity of operation." State v. Berka, 20 Neb. 375." State ex rel. Bunce v. Kubat, 110 Neb. 362 at 366.

If Neb.Rev.Stat. §24-516 (Reissue 1979) mentioned above, is amended by an insertion "a municipal court judge" as indicated by your letter, the statute, in our opinion, would have uniform application as to all county courts and would therefore not violate Article V, Section 19, quoted above.

It is further our opinion that such amendment would be authorized under the authority granted by the portion of Article V, Section 1, also quoted above.

It could be possible that there may be other conflicting statutes relating to county judges and municipal judges, but this would probably not be a constitutional problem. In this connection, we note that the qualifications for county judges contained in Neb.Rev.Stat. §24-505.01 (Reissue 1979), are identical to the qualifications for municipal court judges contained in Neb.Rev.Stat. §26-103 (Reissue 1979).

If we can be of further assistance to you, please contact us.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/f3
cc: Patrick J. O'Donnell,
Clerk of the Legislature

Opinion No. 151
November 3, 1981

Dear Senator Kahle:

This letter is in response to your correspondence regarding the authority of the State Electrical Division over property leased from the federal government. Specifically, you wish to know whether inspectors from the State Electrical Division may inspect buildings on property such as a "marina or campsite . . . operated by a private individual [on] land . . . owned by the federal government and leased to the individual by the Corps of Engineers."

Neb.Rev.Stat. §81-594 (Reissue 1976) sets out the types of installations subject to inspections by the State Electrical Division. These include [a]ll electrical installations in commercial or industrial buildings, including installations both inside and outside of the buildings, buildings designated for public use, and any installations at the request of the owner . . ." "Commercial installations" are defined by regulation to include, among other things, "(1) installations intended for commerce, . . . (4) recreational vehicle parks." State Electrical Division, Rule No. 15.

A marina or campsite would come within the definition of "commercial installations" and would be subject to inspection by the State Electrical Division. At issue here is whether the fact that such a marina or campsite is owned by the federal government and leased to private individuals would remove it from state jurisdiction.

The Property Clause of the United States Constitution provides that "Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." Article IV, Section 3, Clause 2. The United States Supreme Court has held that the Property Clause, "in broad terms, gives Congress the power to determine what are "needful rules "respecting" the public lands. . . . '[t]he power over the public land thus entrusted to Congress is without limitations.'" *Kleppe v. New Mexico*, 426 U.S. 529, 539 (1976), *rehearing denied*, 429 U.S. 873 (1976).

> The Federal Government does not assert exclusive jurisdiction over the public lands in New Mexico, and the State is free to enforce its criminal and civil laws on those lands. But where those state laws conflict with the Wild Free-Roaming Horses and Burros Act, or with other legislation passed pursuant to the Property Clause, the law is clear: the state laws must recede.

426 U.S. at 543. See also, *United States v. Brown*, 431 F.Supp. 56 (D.Minn. 1976), *aff'd*. 552 F.2d 817 (8th Cir.), *cert denied*, 431 U.S. 949 (1977).

The court in *Texas Oil and Gas Corp. v. Phillips Petroleum Co.*, 277 F. Supp. 366 (W.D. Okla. 1967), *aff'd* 406 F.2d 1303 (10th Cir. 1969), *cert denied* 396 U.S. 829 (1969), *held*, "State law and the State police power [extend] over the federal public domain unless and until Congress has determined to deal exclusively with the subject." 277 F.Supp. at 369.

State ex rel. Andrus v. Click, 97 Idaho 791, 554 P.2d 969 (1976), held that "[w]here Congress has exercised its legislative prerogative, conflicting state laws must fall by reason of the Supremacy Clause. . . . Absent congressional action, however, the state retains jurisdiction over federal lands within its territory.'' 554 P.2d at 973. In other words, ''[t]he police power of the state extends over federal Congress on the subject.'' Id. That decision also set out key factors to determine if Congress has preempted state regulations in a certain field.

It is our opinion that the State Electrical Division would have authority to inspect electrical installations in commercial, industrial and public use buildings located on land leased from the federal government in the absence of any federal legislation which would directly address the same situation and thus supercede the state law.

The federal statute dealing with public park and recreation facilities at Corps of Engineers water resource development projects is 16 U.S.C. §460 d. It states, in part,

> The Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to construct, maintain, and operate public park and recreational facilities at water resource development projects under the control of the Department of the Army, to permit the construction of such facilities by local interests (particularly those to be operated and maintained by such interests), and to permit the maintenance and operation of such facilities by local interests. The Secretary of the Army is also authorized to grant leases of lands, including structures or facilities thereon, at water resource development projects for such periods, and upon such terms and for such purposes as he may deem reasonable in the public interest.

There is no language in the statute which forbids state electrical inspections of such facilities leased out by the Corps of Engineers.

Based on this statute, we are of the opinion that legislation is not necessary to grant the State Electrical Division authority to make the inspections to which you refer. However, you would need to examine any regulations promulgated by the Corps of Engineers pursuant to this statute to determine whether the federal government has preempted this area.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB:jmf
t3
cc: Ralph Crowl
Patrick O'Donnell
Clerk of the Legislature

Opinion No. 154
December 1, 1981

Dear Senator H. Peterson:

You have requested the opinion of this office regarding the constitutionality of REQ 1050, legislation which you are considering introducing next legislative session. You have indicated that this proposed legislation is based upon law in the State of Missouri and you have referred us to the case of King v. Priest, 357 Mo. 68, 206 S.W. 547, appeal dismissed 68 S.Ct. 736, 333 U.S. 852, 92 L.Ed. 1133, rehearing denied 68 S.Ct. 901, 333 U.S. 878, 92 L.Ed. 1154 (1947).

We have reviewed this proposed legislation, as well as the legal authorities to which you refer. This legislation would amend the act creating the Commission of Industrial Relations, Neb.Rev.Stat. §§48-801, et seq. (Reissue 1978) as amended, in several respects.

Section 2 of the proposed legislation would amend Neb.Rev.Stat. §48-837 in pertinent part as follows:

> Public employees, except police, firefighters, deputy sheriffs, Nebraska State Highway Patrol, Nebraska National Guard, and all teachers of all Nebraska schools, colleges, technical community colleges, and universities, shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing. . . . (Amendment proposed)

The title of this proposed bill indicates that, in part, it would prohibit certain public employees from joining unions.

Article XV, Section 13 of the Constitution of the State of Nebraska provides in pertinent part as follows:

> No person shall be denied employment because of membership in or affiliation with, or resignation or explusion from a labor organization or because of refusal to join or affiliate with a labor organization; . . .

Section 14 of said article further provides:

> The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, which exists for the purpose, in who or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Pursuant to Section 15 of said article, the above-stated provisions are self-executing.

In our opinion, if the above-stated constitutional provisions apply to public employees, the proposed legislative amendment to

Neb.Rev.Stat. §48-837 appears to be inconsistent with such provisions. The legislative amendment ostensibly purports to deny to certain public employees the right to join or refrain from joining an employee organization. While there is no statutory enforcement provision, we assume that a public employer could or would impose disciplinary or corrective action upon employees for violating a statutory prohibition. Thus, in our opinion, if Article XV, Section 13 of the Nebraska Constitution applies to public employees, the proposed legislation may be found to abridge that constitutional provision.

Article XV, Section 13, on its face, appears to encompass the denial of employment to any person based on union affiliation or lack thereof. It is well established in this jurisdiction that provisions of the state Constitution must be taken in their ordinary and common acceptation in such manner as to express the intent of the framers of the Constitution. American Federation of State, County and Municipal Employees, AFL-CIO v. Department of Public Institutions State Hospitals, 195 Neb. 253, 237 N.W.2d 841 (1976).

We are aware of no case in which the Nebraska Supreme Court has specifically held that the provisions of Article XV, Section 13, are applicable to public and private employees alike. However, several cases decided by the Nebraska Supreme Court have apparently assumed that said constitutional provision is in fact applicable to public employees. AFSCME, Local No. 2088 v. County of Douglas, 208 Neb. 511, 525, ___ N.W.2d ___ (1981); Nebraska Department of Roads Employees Assoc. v. Department of Roads, 189 Neb. 754, 205 N.W. 2d 110 (1973); Mid-Plains Education Assoc. v. Mid-Plains Nebraska Technical College, 189 Neb. 37, 199 N.W.2d 747 (1972). In American Federation of State, County and Municipal Employees v. Woodward, 406 F. 2d 137 (8th Cir. 1969), the federal court concluded that the public policy inherent in Article XV, Section 13 of the Nebraska Constitution, that employment not be denied on the basis of union membership, includes public as well as private employment. In our opinion, these prior decisions indicate that if this precise issue were presented to the Nebraska Supreme Court, it would probably conclude that the constitutional provision at issue applies to both public and private employees alike.

In Potts v. Hay, 229 Ark. 830, 318 S.W.2d 826 (1958), the Supreme Court of Arkansas considered the applicability of a similar state constitutional provision to public employees. The statutory provision challenged in that case involved an act which required that persons be denied employment as policemen because of membership in a labor union. The court concluded that the constitutional provision must be given the effect that its plain words demanded, therefore the provision applied to public employees as well as private employees and the act at issue was unconstitutional.

In our opinion, the proposed legislation, insofar as it would amend Neb.Rev.Stat. §48-837 to exclude certain public employees from exercising the right to join or refrain from joining an employee organization, probably abridges Article XV, Section 13 of the Nebraska Constitution. Because of this conclusion, we deem it unnecessary to address additional constitutional challenges which might exist, such as those embodied in the First Amendment or in the Due Process and the Equal Protection Clauses of the Fourteenth Amendment. To the extent that the court's analysis in King v. Priest, supra, is based on the latter analysis in a jurisdiction which does not have the provision set forth in Article XV, Section 13 of the Nebraska Constitution, we do not find the legal authority from the State of Missouri to be persuasive.

Additionally, this proposed legislation would amend Neb.Rev.Stat. §48-810, to the extent that persons subject to the provisions of the Nebraska Teachers Professional Negotiations Act, would no longer be required to exhaust the provisions of that act prior to invoking the jurisdiction of the Commission of Industrial Relations and section 4 of that proposed legislation would repeal the provisions of the act, Neb.Rev.Stat. §§79-1287 to 79-1295. At first blush, we perceive no constitutional deficiencies with these portions of the proposed legislation. However, it is our understanding, that such amendments are intrinsically related to the amendment proposed regarding Neb.Rev.Stat. §48-837, heretofore discussed

Finally, Section 3 of this proposed legislation prohibits the use of public funds to pay public employees who apear before a legislative committee or negotiate terms of employment. Generally speaking, the compensation allowed public employees is a legislative determination. 67 C.J.S., Officers §§223, 226, p. 714, 724-725. On its face, we perceive no constitutional deficiencies in this provision.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Rae Fritz
Assistant Attorney General

LRF/cmb/w2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 155
December 7, 1981

Dear Senator Schmit:

This is in reply to your inquiry concerning the authority of the Nebraska Corn Development, Utilization and Marketing Board to make grants to public or private bodies. In responding we assume that your inquiry is made for the purpose of determining whether or not any changes should be made in the Act.

In arriving at our conclusion we point out that Neb.Rev.Stat. §2-3602 (Supp. 1980) of the Nebraska Corn Resources Act, provides that it is in the interest of the public welfare that "the producers of corn be permitted and encouraged to develop, carry out, and participate in programs or research, education, market development, and promotion. . . ." and to authorize and prescribe "the necessary procedures whereby corn producers in this state may finance programs to achieve the activities expressed in (the act)."

We also point out that the duties of the Board, as set forth in Neb.Rev.Stat. §2-3622 (Supp. 1980) includes authority "to develop and direct the corn commodity program" and "to authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;" and that under the provisions of Neb.Rev.Stat. §2-3634 (Supp. 1980) the Board is not "authorized to set up research or development units or agencies of its own, but shall limit its activity to cooperation and contracts with the institute of agriculture and natural resources of the University of Nebraska and other proper local, state, or national organizations, public or private, in carrying out the purpose of (the act)."

It is to be noted that the above provisions refer to what is "proper" and that is, of course, the essence of your question.

In response to another inquiry concerning the authority of the Board we did not find any suggestion that the Legislature intended that the Board be authorized to do anything beyond that which was specifically provided in the Act and for that reason it could not contract for the construction and/or acquisition of alcohol plants.

Since the act did not specifically mention grants, in determining the nature of a grant we find that a New York court has pointed out that in Webster's new International Dictionary the term "grant" is defined as "to bestow or confer, with or without compensation," and "a gift or bestowal by one having control or authority over it, as of land, money, etc." This definition has also been accepted by a Texas court.

Considering this definition we examined the legislative history of the act in an effort to determine whether or not the Legislature had at any time considered authorizing the corn marketing board to bestow, confer, or make a gift of money under its authority or control to any private or public body. We did not find that such was ever considered at any state of the legislative process.

It is therefore our conclusion that the right to make grants to public or private bodies is not within the authority granted to the Nebraska Corn Development, Utilization and Marketing Board by the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:kkh
cc: Patrick J. O'Donnell

Opinion No. 156
December 14, 1981

Dear Senator V. Johnson:

You have called our attention to LB 522, and have asked us whether there would be any conflict between its provisions and those of Article VII, Section 1A of the Nebraska Constitution. We conclude that there would not.

Article VIII, Section 2 provides: "The state shall be prohibited from levying a property tax for state purposes." To find a violation of this section of the Constitution we would need to find first, that a state function or purpose was involved, and second, that the bill provided for a property tax levy to support it. There is a complete absence of the second requirement.

The committee summary of the purpose of the bill and the changes it effects is: "LB 522 proposes that all functions and authority of county welfare offices will be assumed by the State Department of Public Welfare. Currently, Nebraska has a state supervised, county administered welfare system. Under the proposed system, welfare would be state administered." Without reaching any final conclusions on the question, let us assume for the purpose of this discussion that under the present law the operation of the welfare system is not a state purpose, but that LB 522 will convert it into a state purpose.

Section 36 of the bill would amend Neb.Rev.Stat. §68-1022 (Supp. 1980), but we point out that this section was amended in 1981 by LB

39, and is therefore found in the 1981 supplement. Section 68-1022 provides that commencing July 1, 1981, the county of "legal settlement" of an eligible recipient shall pay fourteen percent of the cost of medical assistance for such recipient. If the recipient has no county legal settlement, medical assistance is paid from state funds and such funds as may be allocated by the federal government. LB 522 would reduce the county percentage by two percent per year until July 1, 1988, at which time all such assistance would be paid by state and federal funds.

You are concerned about whether this county contribution would violate Article VIII, Section 1A. You ask alternative questions about whether a violation would occur if the counties retain their general assistance functions, or if they do not retain them, and the welfare programs are completely state administered. We will not discuss these questions separately, as we see no violations under either alternative.

The only case in which a violation of Article VIII, Section 1A has been found was State ex rel. Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974). In that case the court found that the operation of the colleges had become a state function, and that the statute, in effect, mandated a one mill property tax levy for the support of the colleges.

The crucial difference is that LB 522 does not mandate, or even authorize, a separate mill levy to provide the funds for the counties to make the contributions required by §68-1022. These contributions are to be made out of general county funds.

In Kovarik v. County of Banner, 192 Neb. 816, 224 N.W.2d 761 (1975) the court noted this distinction between the case under consideration and Talon, saying:

> We also note in passing that under the facts of the foregoing case the state required the county to levy a property tax to support the technical college, which is not true in the instant case. We properly held under the facts of that case that a "state purpose" rather than a "local purpose" was involved. We also wish to point out that counties are not supported solely by property taxes. There are other sources of revenue available to the counties other than property taxes, such, for example, as inheritance taxes. In fact, it is clear from a reading of sections 77-2032 and 77-2033, R.R.S. 1943, that inheritance taxes may be credited by the county board to the county general fund, to be used "for the relief of worthy, incapacitated or indigent persons * * *." (Emphasis supplied.) There is no requirement whatsoever that any county levy a property tax to pay the fees for appointed counsel.

In general, it can be said that the Legislature has complete control over the revenues of a county, and may direct the application of such revenues as it sees fit, so long as that application is for the benefit of the public in the county where the revenues were raised. For a discussion of this principle, see State ex rel. City of Omaha v. Board of County Commissioners, 109 Neb. 35, 189 N.W. 639 (1922), and Omaha Parking Authority v. City of Omaha, 163 Neb. 97, 77 N.W.2d 863 (1956). Article VIII, Section 1A was not intended to affect this fundamental relationship between the state and its political subdivisions.

The payments required of a county by §68-1022 are for the benefit of recipients having legal settlement in the county. This local connection is sufficient to authorize the Legislature to require the county to contribute to their medical assistance. There is no separate mill levy authorized to raise the funds necesasry to make such payments, and sources of revenue available to the county lose their identities when mingled in the county general fund. So, even though the county may raise most of its funds by property taxes, we certainly cannot say that the state has levied a property tax for state purposes. We therefore conclude that LB 522 is not subject to such an attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
ml
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 157
December 8, 1981

Dear Senator Carsten:

You have called our attention to the fact that in State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980), the court, after ruling that Neb.Rev.Stat. §77-1350(1) (Supp. 1978) was unconstitutionally vague and uncertain, it said, "It requires little argument to see that §77-1350(1) is not severable and that the whole act must fail." You point out that our attack in that action was on §§77-1349 to 77-1354, which were passed in 1977 as Sections 1 to 6 of LB 131, but that LB 131 also had Sections 7 and 8, which became §§77-1355 and 77-1356. §77-1355 was repealed in 1979, but §77-1356 was amended, and now appears as §77-3431 (Supp. 1980). Your question is whether the language of the court had the effect of invalidating Sections 7 and 8 of LB 131, and whether §77-3431 is now a valid part of the statutes. You ask this question because, if §77-3431 is invalid, corrective action may need to be considered by the Legislature.

While you raise a troublesome question, we have concluded that §77-3431 has not been invalidated. In the first place, we are absolutely confident that if squarely faced with the question the Supreme Court, in spite of the language used, would say that Sections 7 and 8 of LB 131 were clearly severable from Sections 1 to 6. Sections 1 to 6 involved an attempt by the Legislature to force implementation of revaluation plans by the various counties, and to impose sanctions for failure to do so.

Section 7 of the bill imposed a ceiling on budgets of political subdivisions, and Section 8 provided for hearings on proposals to exceed that ceiling. We find almost no connection between the provisions of Sections 1 to 6 and those of Sections 8 to 9, except they all dealt, directly or indirectly, with taxation. They are, in our opinion, clearly severable.

How, then, did the court happen to say what it did? The answer, we believe, lies in the fact that there was no discussion whatever of Sections 7 and 8 of LB 131, and the court may not have been aware of them. In our petition we alleged that the Legislature had passed LB 131 in 1977, and that Sections 1 to 6 of that bill became §§77-1349 to 77-1354. Our entire attack was directed at those sections. However, references in briefs and oral argument were made to LB 131, and the court may well have thought that the bill contained only those six sections. What the court intended to say, we are sure, is that §§77-1349 to 77-1354, i.e. Sections 1 to 6 of LB 131, were not severable, and that all must fall. To go beyond that would have been to go beyond the prayer of the petition.

Furthermore, State ex rel. Douglas v. Herrington, was an appeal from the District Court for Lancaster County. When the Supreme Court reversed the decision of that court, the case was remanded for entry of judgment in conformity with the opinion. The district court, in obedience to that remand, entered an order on July 24, 1980, finding that §§77-1349 to 77-1354 were unconstitutionally vague and uncertain. No appeal, of course, was taken from that order, and, perhaps, that order can be considered to be the final order entered in the case. The district court, at least, did not construe the Supreme Court order as affecting any sections except those mentioned in the petition.

It may, perhaps, be considered presumptuous of us to say that the Supreme Court did not mean precisely what it said, but surely that is the result that the court will come to, if the question is ever presented to it. We therefore conclude that §77-3431 was not affected by the decision in State ex rel. Douglas v. Herrington.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/tl
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 158
December 1, 1981

Dear Senator Hefner:

You have asked several questions relative to abandonment of county roads pursuant to your consideration of the possibility of introducing legislation at the next session to clarify some issues related thereto. Your first question was: "Does a county have a right to sell a road that has been established by prescription and which has been vacated?"

The rule as to the nature of ownership of a prescriptive road is stated in Dunnick v. Stockgrowers Bank of Marmouth, 191 Neb. 370, 215 N.W.2d 93 (1974), and is: "The title and ownership of land acquired by adverse possession and prescriptive use by the public as a road or street is the same as it would have been if the land had been dedicated as a street or highway and accepted by the appropriated governmental entity." It is true that the extent or width of the road is a factual question to be determined on the basis of the extent and nature of the use made of the property during the prescriptive period. Smith v. Bixby, 196 Neb. 235, 242 N.W.2d 115 (1976). It was stated in Barrett v. Hand, 158 Neb. 273, 63 N.W.2d 185 (1954) that a public highway, while being used as such, can only be vacated by the county board in the manner prescribed by law. Of course, the statutory procedure has changed since that case was decided, but there can be no doubt that a county road can only be vacated by strictly following the statutes relating thereto.

Neb.Rev.Stat. §§39-1722, 1723, 1724 (Supp. 1980) provide for petitions, resolutions by the county board, and notice. Neb.Rev.Stat. §39-1725 (Supp. 1980) provides that the county board may or may not order vacation after the preliminary requisites have been met, and that if it chooses to vacate or abandon, the resolution shall state upon what conditions, if any, the vacation or abandonment shall be qualified, including sale of title of right-of-way, reversion, or continuing public ownership. Only in the event the board fails to specify as above, and if there is ten years nonuse, can there be reverter to abutters, one-half to each side, unless the board specifies reversion.

Dell v. City of Lincoln, 170 Neb. 176, 102 N.W.2d 62 (1960), holds in effect, that municipalities are creatures of statute and have only such powers as are given them by the legislature. The same rule holds for counties. The Dell case goes on to say that disposition of land is covered by the vacation and abandonment statutes relative thereto, and that such acts will not be permitted to operate retrospectively, unless they were specifically made so by the legislature. This being true, it is necessary to advert to the statutes in effect at the time a public road became such, to determine how it is or may be disposed of, when the road ceases to be used as such. Dunnick v. Stockgrowers Bank of Marmouth, 191 Neb. 370, 215 N.W.2d 93 (1974), holds that a prescriptive right amounts to a fee title held by the municipality for the benefit of the public. It is true that in the concurring opinion, it is stated, that by way of obiter dictum that such fee title is only a fee simple determinable, which ends at the time the road is no longer used as a road. Despite this dictum, however, we believe that the method by which such a road is disposed of at the end of its use, is determined by the wording of the vacation or abandonment statute in effect at the time the road was acquired. See Hiddleston v. Nebraska Jewish Federation Soc., 186 Neb. 786, 186 N.W.2d 904 (1971).

Your second question is whether the Thurston County officials had authority to sell land that the county road had occupied in a specific reference which you made. It would appear that the answer to this question would be found in the vacation and abandonment statutes relating to counties, in existence at the time the prescriptive right ripened on behalf of the public.

Your third question asks whether previous landowners can recover legal costs to defend themselves. If it should be determined that the land should have reverted to abutting owners, and if further it were found that failure to allow such reversion constituted a taking or damaging of property for public purposes under the constitution, then, conceivably under some circumstances, attorneys fees authorized in condemnation cases might be appropriate. In the case stated, however, it is difficult to find a public use, and we feel that a court would probably hold that the proper remedy would be found in equity, and not at law, in which case there would be no basis for the recovery of legal costs.

Your last question inquires whether problems would be encountered if the legislature provided that a county could only sell land with issuance of a warranty deed, rather than a quit claim deed, and if it required such sale to be by public auction rather than sealed bidding. As to the part relative to the type of deed, we can see no legal problems, but do believe there may be a practical problem. When large or expensive pieces of property are conveyed, it is almost always by warranty deed, since most buyers will not expend large sums of money unless they receive the warranty in return. But most sales of public land are of small bits and pieces. In many of such cases, the sale is made merely to get property back on the tax rolls, and then only because it has been found that there is a ready buyer. If the county were required to obtain an abstract for such property, the expense would probably exceed the amount to be realized, and therefore, one might expect that not many such sales would be made. The second part of the question, concerning public auction or sealed bidding again, is within the power of the legislature. As you are probably aware, there are advantages and disadvantages to both types of sale, and we know of no criteria which would assist in balancing the equities.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL/ta
cc: Patrick J. O'Donnell,
Clerk of the Legislature

Opinion No. 160
December 14, 1981

Dear Senator Landis:

This letter is in response to your correspondence of September 11, 1981, in which you asked, "Are the state civil rights' enabling statutes sufficient legislative authority for a home rule charter city to enact anti-discrimination protections for classifications not specifically mentioned in state law?" Your concern was whether you would need to reevaluate existing state statutes on this issue and perhaps introduce new legislation.

The powers of Nebraska municipalities are set out in Jacobs v. City of Omaha, 181 Neb. 101, 147 N.W.2d 160 (1966):

> Our law is well settled: "* * * that a municipal corporation 'possesses, and can exercise, the following powers, and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the declared objects and purposes of the corporation—not simply convenient, but indispensable.'"

181 Neb. at 104.

The authority of municipalities to adopt civil rights ordinances is found in several places in the Nebraska statutes.

Neb.Rev.Stat. §18-1724 (Cum.Supp. 1980) provides in part:

> Notwithstanding any other law or laws heretofore enacted, all cities and villages in this state shall have the power by ordinance to define, regulate, suppress and prevent discrimination on the basis of race, color, creed, religion, ancestry, sex, marital status, national origin, age, or disability in employment, public accommodation, and housing, and may provide for the enforcement of such ordinances by providing appropriate penalties for the violation thereof.

Neb.Rev.Stat. §20-113 (Cum.Supp. 1980) states:

> Any incorporated city may enact ordinances, and any county may adopt resolutions, which are substantially equivalent to sections 20-105 to 20-143, 48-1001 to 48-1009, 48-1102 to 48-1125, and 48-1210 to 48-1227, or which are more comprehensive than such rights. . . . Such ordinance or resolution may include authority for such local agency to seek an award of damages or other equitable relief on behalf of the complainant by the filing of a petition in the district court in the county with appropriate jurisdiction. The local agency shall have within its authority jurisdiction substantially equivalent to or more comprehensive than the Equal Opportunity Commission or other enforcement agencies provided under sections 20-105 to 20-143, 48-1001 to 48-1009, 48-1102 to 48-1125, and 48-1210 to 48-1227, and authority to order back pay and other equitable relief, or to enforce such orders or relief in the district court with appropriate jurisdiction.

Neb.Rev.Stat. §20-113.01 (Cum.Supp. 1980) states:

> In order to declare the intent of the present Legislature and to effect the original intent of sections 18-1724 and 20-113, the Legislature finds that civil rights are a local as well as state concern and the Legislature desires to provide for the local enforcement and enactment of civil rights legislation concurrent with the authority of the State of Nebraska.

A determination whether or not Neb.Rev.Stat. §20-113 delegates authority to a city to enact ordinances which would protect classifications of individuals not specifically mentioned in the state laws depends on the interpretation of the language "more comprehensive than."

Because the meaning of "more comprehensive than" is not clear on its face, one must turn to the legislative history of §20-113. PPG Industries Canada Ltd. v. Kreuscher, 204 Neb. 220, 281 N.W.2d 762 (1979).

When §20-113 originally was enacted in 1969, it provided:

> Any incorporated city may enact ordinances, and any county may adopt resolutions, which are substantially equivalent to this act. . . . When the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to this act and has established an agency to administer such ordinance or resolution, the commission shall thereafter refer all complaints arising in such city or county to the appropriate local agency.

Laws 1969, c. 120, §9, p. 544, LB 718. "This act", referred to in §20-113, was the open housing act, Neb.Rev.Stat. §20-105 to §20-125, §48-1102, and §48-1116.

The purpose of section 9 was to allow cities and counties to enact ordinances or resolutions which would allow them to handle fair housing complaints on a local basis, provided that the local ordinances and resolutions were "substantially equivalent" to the state statute. Comments of Senator Elrod, Floor Debate on LB 718 (1969), May 28, 1969, p. 1812.

Neb.Rev.Stat. §20-113 was amended in 1974 and 1979. The 1974 amendment added the language "more comprehensive than" to the statute.

> Any incorporated city may enact ordinances, and any county may adopt resolutions, which are substantially equivalent to sections 20-105 to 20-143, 48-1102, and 48-1116, or which are more comprehensive than such sections in the protection of civil rights. . . . When the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to sections 20-105 to 20-143, 48-1102, and 48-1116, or is more comprehensive than such sections in the protection of civil rights, and has established an agency to administer such ordinance or resolution, the commission shall thereafter refer all complaints arising in such city or county to the appropriate local agency; . . .

Laws 1974, LB 681, §1. The enumerated sections were expanded to include not only the open housing act, but also the public accommodations act, Neb.Rev.Stat. §§20-132 to 20-143.

The introducer's statement of purpose stated that LB 681 "allows cities to enact civil rights ordinances more comprehensive than state law." Senator H. Simpson, January 22, 1974.

Testimony at the committee hearing by a City of Lincoln attorney indicated that the "substantially equivalent" limitation could lead to situations where a local government would not be able to enforce its local ordinance on a matter not included in the state law. Testimony by James Faimon, Committee on Urban Affairs, hearings, February 13, 1974, p. 11.

At the hearing, Senator Simpson stated that LB 681 "covers all of these sections, that the incorporated city may enact ordinances, . . . If you read down it will cover all of the sections, within these sections, the incorporated city may enact ordinances." p. 28. The senator stressed, "[T]his only adds onto [the "substantially equivalent" language] that the locals may, within these sections, be more comprehensive and then so would be able to enforce them at the local level." p. 28.

The purpose of the 1979 amendment, (LB 438), was to provide enabling legislation for cities which want to enact local anti-discrimination laws. LB 438 amended §20-113 and added §20-113.01. It was the direct result of a Nebraska Supreme Court decision which held that the Legislature had not delegated to cities the power to legislate on fair employment practices and civil rights. City of Omaha Human Relations Dept. v. City Wide Rock & Excavating Co., 201 Neb. 405, 268 N.W.2d 98 (1978).

Furthermore, in LB 438, the enumerated sections of state law were expanded to cover all the civil rights provisions under the jurisdiction of the NEOC. Thus, LB 438 retained §§20-105 to 20-143, which include open housing and public accommodations, and added §§48-1001 to 48-1009, forbidding age discrimination in employment, §§48-1219 to 48-1227, the equal pay act, and §§48-1101 to 48-1125, the fair employment practices act.

The introducer's statement of intent for LB 438 (1979) stated that the purpose of the bill was:

> [T]o provide additional language to that currently contained in Section 20-133 of Nebraska R.R.S. 1943 which will establish a clear grant of authority to municipalities and counties allowing those political subdivisions to adopt ordinances providing for the protection of individuals in their pursuit of equal employment opportunities, public accommodations and open housing.

It is our opinion that although the "more comprehensive than" language could provide incorporated cities and counties with the authority to enact ordinances or resolutions protecting classifications of persons not specifically set out in the state anti-discrimination statutes, a contrary interpretation also is feasible. In order to eliminate any doubts in this matter, one might wish to introduce clarifying legislation. We are also of the opinion that, given the subject matter of the state anti-discrimination statutes, the protection of individuals by cities and counties is limited to the areas of employment, public accommodations, and housing.

Finally, it should be noted that §§20-113 and 20-113.01 apply to all incorporated cities in the state and are not limited to home rule charter cities. As a result, we feel that a consideration of home rule powers per se is not necessary at this time.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB/cmb/m4
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 161
December 18, 1981

Dear Senator Haberman:

In your letter of December 9, 1981, you say that you intend to introduce a bill during the next session of the Legislature that would increase the cigarette tax imposed by Neb.Rev.Stat. §77-2616 (Supp. 1981) by two cents. You ask whether there would be constitutional problems if the Legislature were required by statute to appropriate each year from the general fund to the Department of Correctional Services the estimated revenue derived from the two cent increase, to be used for the administration, staffing, and building of minimum security facilities. We conclude that no valid provision of this sort could be enacted.

An appropriation bill is legislation. Legislation is a discretionary action taken by the Legislature. By what possible right could the 1982 Legislature, in the exercise of its discretionary legislative power, limit the discretionary legislative power of the 1985 Legislature? To permit it would be a denial of the democratic form of government, by which the voters from time to time elect representatives to accomplish the purposes desired by the people, as reflected by their votes.

Obviously, future Legislatures could always repeal such a provision, but we do not believe that is necessary. A repeal might be met with a veto which could not be overridden. It is our conclusion that the Legislature simply lacks the power to require future Legislatures to legislate in this way.

We believe such a statute, if regarded as a continuing appropriation, would be in violation of Article III, Section 22 of the Nebraska Constitution, which provides in part: "Each Legislature shall make appropriations for the expenses of the Government." In effect, such a statute would amount to the 1982 Legislature's exercising future Legislatures' appropriation power. Article III, Section 22 formerly provided that all appropriations should end at the expiration of the first fiscal quarter after the adjournment of the next regular session of the Legislature. This provision was eliminated in 1972, but we believe the remaining portion, quoted above, still reserves to "each Legislature" the right to make current appropriations, and prevents one Legislature from usurping the function as to future Legislatures.

While the court in Rein v. Johnson, 149 Neb. 67, 30 N.W.2d 548 (1947) was interpreting the old version of Article III, Section 22, we believe its reasoning is still applicable. The court said:

> The object and purpose of such a constitutional provision was to render all departments of the state government dependent upon the will of the people as expressed by their duly elected representatives, and to require such departments of government, except as otherwise provided in the Constitution, to return to that source at regular stated intervals for the necessary means of existence, because the people have learned and will continue to learn that the very preservation of their liberty depends largely upon control of the purse by their periodically elected representatives. State ex rel. Norfolk Beet-Sugar Co. v. Moore, supra.

In an opinion of this office dated June 28, 1978, Report of the Attorney General 1977-78, page 397, we discussed a bill which would have imposed a five percent limit on state budget increases. We quoted the first sentence of Article III, Section 22, and said:

> This particular piece of legislation is an attempt by this Legislature to limit the constitutional power of the next Legislature to make appropriation for the expenses of government. While the subsequent Legislature could voluntarily honor such an intention to limit expenditures expressed in a bill such as LB 4, it would have no constitutionally binding effect on the subsequent Legislature.

We believe a requirement that a future Legislature make specific appropriation is at least as constitutionally offensive as a limitation upon the future Legislature's power to appropriate. We therefore conclude that a provision such as you suggest would be difficult or impossible to defend or enforce.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 163
December 28, 1981

Dear Senator DeCamp:

This is in response to your letter of December 10, 1981, requesting our comments on a proposed legislative bill which contains a more restrictive eligibility section of the Federal Community Service Block Grant.

You made specific reference to paragraph (2) of section 2 of the proposed bill which reads:

> Any funds received by the department under the Community Services Block Grant Act after October 1, 1982, shall be allocated to any nonprofit community based organization which meets the requirements of the Community Services Block Grant Act. Except that 5% of these funds received may be used for the Department's Administrator.

Section 673(1) of the Federal Act defines "eligible entity" as any organization which was officially designated as a community action agency under the provisions of section 210 of the Economic Opportunity Act of 1964 for fiscal 1981. This definition would include the nine existing community action agencies in Nebraska if they have not lost their designation. Thus, the proposed bill would limit the choice of grant recipients to existing agencies and, newly formed ones that meet the standards of the 1964 Federal Act. (See Section 675(c) (2)A and (3) which sets out the requirements of the board of directors).

The restrictions of the proposed bill must be considered in terms of Section 675(c) (2) (A)i which for fiscal year 1982 provides for grants to community action programs or to migrant and seasonal farm worker organizations. Thus, for 1982 the proposed legislative bill eliminates the possibility of a migrant or seasonal farm worker organization being considered for a grant.

The next paragraph in the Federal Act Section 657(c) (2)A(ii) addresses the funding for fiscal year 1983 and each subsequent fiscal year. It provides funds to the state to make grants to political subdivisions, or to nonprofit community based organizations, or to migrant and seasonal farm worker organizations. Thus for 1983 and subsequent years the proposed bill eliminates the possibility of a political subdivision obtaining a grant as well as a migrant or seasonal farm worker organization.

It should be noted that Section 675(c) (4) provides that the state give special consideration in the designation of local community action agencies under this subtitle to any community action agency which is receiving funds under any federal antipoverty program on the date of the enactment of this act. Thus, the director is to give special consideration to existing action agencies.

However, the federal act clearly states that for 1983 and subsequent years political subdivisions or migrant/seasonal farm worker organizations are possible recipients of grants, as well as nonprofit private community organizations.

As the federal act is written the director is to keep the option to provide grants to political subdivisions and migrant/seasonal worker organizations. We can visualize the maintaining of such options as desirable in the event that a community action agency would not meet the standards or service in a given area which could be better provided for by a political subdivision or migrant/seasonal farm worker organizations.

Where the federal act specifies potential grantees it is questionable whether the state can properly eliminate certain ones by a more restrictive act. We cannot predict how federal authorities would respond to the restriction, but conceivably it could jeopardize the grant. Further, if the program were challenged by possible grant recipients the state would have a problem in showing that it was in substantial compliance with the federal act.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:kkh
cc: Patrick J. O'Donnell

Opinion No. 164
December 29, 1981

Dear Senator Warner:

You have asked whether legislation is needed to clarify the role of dental hygienists who, "under the supervision of a licensed dentist, may perform the scaling and polishing of teeth in the oral prophylaxis procedure and such additional procedures as are prescribed in accordance with rules and regulations adopted by the Department of Health." Neb.Rev.Stat. §71-193.09 (Reissue 1976). We have concluded that the statute as written requires the easy availability or physical presence of the licensed dentist to direct and inspect the work of the dental hygienist in scaling and polishing teeth in the oral prophylaxis procedure. Legislation is needed only if you wish to give "supervision" a different meaning or if you wish to designate other acts which a dental hygienist may do.

A statute is not to be read as if open to construction as a matter of course. Where the words of a statute are plain, direct, and unambiguous, no interpretation is needed to ascertain the meaning. In the absence of anything to indicate the contrary, words must be given their ordinary meaning. Ragland v. Norris Public Power Dist., 208 Neb. 492 (1981).

There is nothing in Neb.Rev.Stat. §71-193.09 itself or in the statutes pertaining to dental hygienists that would indicate "supervision" is to be given other than its ordinary meaning. That meaning, according to The American Heritage Dictionary of the English Language, is: "To direct and inspect the performance of (workers or work); oversee; superintend." (Emphasis added.) That definition supports an inference that the licensed dentist must be available to check the work of the dental hygienist.

If the meaning of Neb.Rev.Stat. §71-193.09 were open to statutory construction, we could look at statutes in pari materia and at the legislative history of the act to find the intent of the Legislature. See, SID No. 1 v. County of Adams, 209 Neb. 108 (1981) and Pettigrew v. Home Insurance Co., 191 Neb. 312 (1974). For example, the statutes regulating physician's assistants which, like the statutes regulating dental hygienists, are part of the Uniform Licensing Law, do define "supervision" of physician's assistants in Neb.Rev.Stat. §71-1,107.16(5) (Reissue 1976):

> Supervision shall mean responsible supervision and control where the licensed physician assumes legal liability for the services that the physician's assistant renders. Except in cases of emergency, supervision shall require the easy availability or

physical presence of the licensed physician for consultation and direction of the actions of the physician's assistant.

Prior to 1971, Neb.Rev.Stat. §71-193.09 required "direct" supervision by a licensed dentist of enumerated acts by a licensed dental hygienist. Two bills to amend that statute were introduced in 1971. LB 587 proposed to allow a licensed dental hygienist to "perform such duties as are prescribed by a licensed dentist and performed under the direct supervision of a licensed dentist." LB 616 enumerated clinical procedures a dental hygienist could do and proposed to allow such person also to perform "other procedures delegated by the dentist in accord with the rules and regulations of the State Board of Dentistry." No supervision was specified.

The compromise bill was LB 587, amended to provide that dental hygienists, "under supervision by a licensed dentist," could do scaling and polishing of teeth in the oral prophylaxis procedure and "such duties as are prescribed in accordance with rules and regulations adopted by the Department of Health." The Committee Statement reported that "[a] joint meeting of the dentists, dental hygienists, and dental association members resulted in a thorough discussion of the proposed amendments, and the amendments were agreed on by all parties involved, so that the objections to LB 587 would be eliminated and actually LB 616 would be included in LB 587." That was not the case. LB 587 still required "supervision," although not "direct supervision." It stated only one act instead of many that a dental hygienist could do and delegated to the Department of Health, not to the licensed dentist, the authority to specify other acts a dental hygienist could do.

We might infer that the proponents of the two bills thought that by their compromise they had changed the nature of the supervision required. However, we cannot ignore the plain meaning of "direct," that is, without intervening persons, conditions or agencies. See, The American Heritage Dictionary of the English Language. (That qualification may have been redundant, given the continuing requirement that the supervision be by a licensed dentist.) However, such a discussion is merely academic here where the plain meaning of the statute requires a licensed dentist to direct and inspect the work of a dental hygienist. It is reasonable to assume this requires the easy availability or physical presence of such dentist when the dental hygienist is at work.

The Legislature has barred the general public from the practice of dentistry but has allowed dental hygienists who meet certain qualifications to scale and polish teeth in the oral prophylaxis procedure. It is for the Legislature, not an administrative agency, to specify what other acts constituting the practice of dentistry a dental hygienist with specified qualifications can do that the general public cannot do. That is a legislative function. Such a function cannot be delegated. State v. Cutright, 193 Neb. 303 (1975).

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:jmf
h3
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 165
December 29, 1981

Dear Senator Clark:

This is in reply to your inquiry, in which you state you are considering legislation, concerning an apparent conflict between Neb.Rev.Stat. §16-202 (Reissue 1977) and Neb.Rev.Stat. §18-1615 (Reissue 1977). The first section provides that a city of the first class may only convey real estate by ordinance, while the second section authorizes each city and county of the state which has required industrial development projects to sell and convey any real or personal property so acquired; nothing is mentioned as to the requirements of an ordinance in the latter statute.

Neb.Rev.Stat. 18-1615 (Reissue 1977) specifically provides, however,: In addition to any other powers which it may now have, each municipality and each county shall have without any other authority the following powers: . . ." The section then goes on to set forth the authority, mentioned above, to sell and convey real estate required for industrial development projects.

The above-quoted portion of said section, §18-1615 (Reissue 1977) is clear and unequivocal in its statement that no other authority is necessary. In addition, it is a general rule of statutory construction that a specific statute governs over a general statute. Under this rule, this statute relating to conveyances of property for this specific purpose would govern over the requirement of an ordinance to convey real estate generally.

This interpretation is further strengthened by the original action in Supreme Court of Nebraska interpreting the Industrial Development Act--the case of State ex rel. Meyer v. County of Lancaster, 173 Neb. 195, 113 N.W.2d 63 (1962). In that case, a similar point was raised in regard to counties because of a conflict with another section of the statutes which provided that counties could not convey real estate costing more than $3,000.00 without approval of the electors. To this the Supreme Court stated:

> The applicable rule is that where a legislative act is complete in itself but is repugnant to or in conflict with a prior law which is not referred to nor in express terms repealed by the latter, the earlier statute is repealed by implication as to the latter act, but only to the extent of the repugnancy or conflict. In re Estate of Grblny, 147 Neb. 117, 22 N.W.2d 488.

We believe the foregoing statement is applicable to the present situation and that Neb.Rev.Stat. §18-1615 governs as to this specific purpose.

If you have any further questions in regard to this matter, please contact us.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/t3
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 166
January 4, 1982

Re: County Zoning

Dear Senator Haberman:

We are responding to your letter in which you state you are considering legislation pertaining to Nebraska's groundwater and would like us to advise you "if the statutes presently give the counties, through zoning laws, the authority to control underground water use.

Neb.Rev.Stat. §23-114 (Reissue 1977) authorizes a county board to create a planning commission with the powers and duties set forth in that act, to make amend and implement a comprehensive county zoning development plan then to adopt a zoning resolution having the force and effect of law. This zoning resolution may regulate "the uses of land for agriculture, forestry, recreation, residence, industry, and trade, after considering factors relating to soil conservation, water supply conservation, surface water drainage and removal, or other uses in the unincorporated area of the county." The use of this zoning power has been approved by our Nebraska Supreme Court in Crane v. Board of County Commissioners of Sarpy County, 175 Neb. 568, 122 N.W.2d 520 (1963) and City of Grand Island v. Ehlers, 180 Neb. 331, 142 N.W.2d 770 (1966).

Neb.Rev.Stat. §46-209 (Supp. 1981) gives jurisdiction to the Department of Water Resources "over all matters pertaining to water rights for irrigation, power, or other useful purposes. . . ." In Article VI of Chapter 46 of the Nebraska Statutes the Department of Water Resources is given jurisdiction over the state regulatory scheme for the extraction and use of underground water. Neb.Rev.Stat. §46-656, et seq. (Reissue 1978) have now been designated by the Legislature as the Nebraska Groundwater Management and Protection Act. Neb.Rev.Stat. §46-674 (Supp. 1981). This Act provides for specific regulation of control areas designated by the Director of the Water Resources when he determines that conditions require it according to statute.

It is our conclusion that Neb.Rev.Stat. §23-114 (Reissue 1978) gives each county the authority to regulate and restrict the use of land within its county and in doing so to consider water supply conservation and surface water drainage and removal. It does not authorize a county to control underground water use. This power to control the use of underground water is specifically granted to the Nebraska Department of Water Resources and to the respective natural resource districts, pursuant to Neb.Rev.Stat. §2-3229, et seq. (Reissue 1977) and Neb.Rev.Stat. §46-663 (Supp. 1980) and 46-666 (Supp. 1981).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Central Platte		
Cook & Kopf, P.C.	Attorney	$25,764.91

James I. Shamberg	Attorney	14,374.00
Lower Big Blue		
Everson, Noble, Wullschleger, Sutter, Sharp & Korslund	Attorneys	196.00
Lower Loup		
J. Marvin Weems	Attorney	2,049.14
Lower Niobrara		
	Attorney	8,484.00
Middle Niobrara		
Palmer Law Office	Attorneys	197.75
Robert B. Crosby	Attorney	727.75
North Platte		
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	Attorneys	523.00
Papio		
Taylor, Hornstein & Peters	Attorneys	35,918.50
South Platte		
Van Steenberg, Myers & Burke	Attorneys	2,190.22
Tri-Basin		
None		
Twin Platte		
	Attorneys	21,314.50
	Lobbyists	572.63
Upper Elkhorn		
Nebraska Association of Resources Districts	Lobbyists	1,855.00
National Association of Conservation Districts	Lobbyists	187.00
Upper Loup		
None		
Upper Niobrara-White		
None		
Upper Republican		
	Attorneys	21,974.80

REPORTS

Received annual report from office of State Athletic Commissioner pursuant to Statute 81-8,140.

Statements of deposits to the Highway Cash Fund and Roads Operation Cash Fund furnished by the Department of Administrative

Services in compliance with Section 5(4) of LB 722 for October and November, 1981.

Letter from Department of Roads in response to LB 559, Section 13, Paragraph 2 of Eighty-Seventh Legislature, First Session.

Report from Department of Administrative Services of Request for Preliminary Plan Approval for the Heritage Center in Lincoln pursuant to Statute 81-1108-41.

Report from The Courts of Nebraska on their structure and operation of 1980.

Reports from Department of Environmental Control on the Hazardous Waste Disposal Assistance Program created by Section 14 of LB 853 in 1980 pursuant to Statute 81-1521.07 (Supp. 1981).

Third quarter report from Nebraska Energy Office pursuant to Section 81-1606 RSN (1980).

Reports from Knudsen, Berkheimer, Beam, Richardson and Endacott pursuant to Section 49-904 of Uniform and Model Acts by the 1981 Session of the Nebraska Unicameral Legislature and pursuant to Section 49-904 Rev. Stat. Neb. (1980 Cum. Supp.) their report for the year 1982.

Quarterly report from Department of Roads for the Nebraska State Highway Commission.

Letter from University of Nebraska in compliance with LB 560, on reporting to the Legislature.

Annual report from Nebraska Workmen's Compensation Court pursuant to Section 48-166, R.R.S. 1943.

Report from Department of Roads of a one year and long-range five year plan of schedule, design, construction, and improvement for all exterior access roads and interior service roads pursuant to Section 39-1390 R.R.S. 1943.

Annual Plan for Aging Services by the Advisory Committee For Older Nebraskans.

MOTION - Election

Mr. Warner moved we proceed to the election of the Business & Labor Committee Chairperson, by secret ballot, in accordance with Rule 3, Sec. 2.

The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Election of Business and Labor Committee Chairperson

Mr. Kremer nominated Mr. Barrett.

Mr. Clark moved the nominations cease and a unanimous ballot be cast for Mr. Barrett.

The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

The Chair declared Mr. Barrett duly elected Chairperson for Business and Labor Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 563. By Lamb, 43rd District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend section 67-292, Revised Statutes Supplement, 1981, relating to partnerships; to correct a date and harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 564. By Lamb, 43rd District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend section 80-305, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 271, Eighty-sixth Legislature, First Session, 1979; section 5, Legislative Bill 184, Eighty-sixth Legislature, Second Session, 1980; and section 165, Legislative Bill 204, Eighty-seventh Legislature, First Session, 1981, relating to soldiers and sailors; to correlate certain provisions; and to repeal the original section.

LEGISLATIVE BILL 565. By Lamb, 43rd District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend section 2-3229, Revised Statutes Supplement, 1981, relating to natural resources districts; to harmonize provisions with former acts of the Legislature; and to repeal the original section.

LEGISLATIVE BILL 566. By Lamb, 43rd District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT to amend sections 71-2031, 71-2032, 71-2038, 71-2039, and 71-3601, Reissue Revised Statutes of Nebraska, 1943, and section 71-2623, Revised Statutes Supplement, 1981, relating to the Department of Health; to change provisions relating to the substitution of certain terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 567. By Haberman, 44th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to using firearms to commit a felony; to amend sections 28-1205 and 29-2221, Reissue Revised Statutes of Nebraska, 1943; to make persons charged with using firearms to commit a felony ineligible for pretrial diversion; to change provisions relating to judgment on conviction, parole, and mandatory release from confinement; to change certain provisions relating to imprisonment of habitual criminals; to define terms; to prohibit plea bargaining in certain cases; and to repeal the original sections.

LEGISLATIVE BILL 568. By Haberman, 44th District.
This bill introduced on behalf of: Citizens Against Drunk Drivers.

A BILL FOR AN ACT relating to driving a vehicle under the influence of alcohol or drugs; to amend sections 39-669.08, 39-669.19, and 39-669.34, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.07, Revised Statutes Supplement, 1980; to change certain penalties; to make certain persons ineligible for pretrial diversion programs; to change provisions relating to judgment on conviction, parole, and mandatory release from confinement; to prohibit plea bargaining in certain instances; to require a report; to harmonize provisions; and to repeal the original sections, and also sections 39-669.15 to 39-669.18, and 39-669.32, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 569. By Haberman, 44th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT relating to penal and correctional institutions; to provide powers and duties for the Jail Standards Board; to create a fund; to provide for distribution of grants; to increase a tax; to amend sections 77-2602 and 83-4,126, Revised Statutes Supplement, 1981; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 570. By Haberman, 44th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 79-1303, Revised Statutes Supplement, 1980, relating to school funds; to change certain provisions relating to the valuation of school land; and to repeal the original section.

LEGISLATIVE BILL 571. By Clark, 47th District.
This bill introduced on behalf of: Nebraska Oil and Gas Commission.

A BILL FOR AN ACT to amend section 76-404, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to allow foreign corporations and aliens to acquire certain leases; and to repeal the original section.

LEGISLATIVE BILL 572. By Education Committee: Koch, 12th District, Chairperson; Kremer, 34th District; Wiitala, 31st District; Beutler, 28th District; Vickers, 38th District; Lamb, 43rd District; Goll, 16th District; Hoagland, 6th District.
This bill introduced on behalf of: committee.

A BILL FOR AN ACT to amend section 79-1303, Revised Statutes Supplement, 1980, relating to school funds; to change certain provisions relating to the valuation of school land; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 573. By Clark, 47th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 75-109, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to limit rate regulation of small telephone companies; and to repeal the original section.

LEGISLATIVE BILL 574. By Koch, 12th District.

This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 14-117, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to limit the merger, consolidation, and annexation powers of such cities; and to repeal the original section.

LEGISLATIVE BILL 575. By Rumery, 42nd District.
This bill introduced on behalf of: Alan L. Boggs.

A BILL FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1980, relating to rules of the road; to exclude certain vehicles from required tire standards; and to repeal the original section.

LEGISLATIVE BILL 576. By Koch, 12th District; Beutler, 28th District; Wesely, 26th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, sections 10 and 14 of the Constitution of Nebraska, relating to the Legislature; to remove the Lieutenant Governor as presiding officer and from voting in case of ties; to provide for presiding officers; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 577. By Koch, 12th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state indebtedness; to provide for the issuance of revenue bonds for the construction of water retention and impoundment structures for the purposes of water management and conservation; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 578. By Koch, 12th District.
This bill introduced on behalf of: Senior Citizens.

A BILL FOR AN ACT relating to education; to allow residents over the age of sixty years to enroll in postsecondary courses without tuition as prescribed.

LEGISLATIVE BILL 579. By Koch, 12th District.
This bill introduced on behalf of: Individual Citizens.

A BILL FOR AN ACT to amend section 60-311.12, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.10, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide prestige license plates for certain vehicles; to change provisions relating to fees for such plates; and to repeal the original sections.

LEGISLATIVE BILL 580. By Koch, 12th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XVII, section 4, of the Constitution of Nebraska, relating to elections; to require that the state primary election be held in September; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 581. By Koch, 12th District.
This bill introduced on behalf of: Taxpayers.

A BILL FOR AN ACT to amend sections 77-1301.06 and 77-1331, Reissue Revised Statutes of Nebraska, 1943, and section 77-509, Revised Statutes Supplement, 1980, relating to taxation; to define terms; to provide for computer-assisted valuation of real property as prescribed; to provide duties; to provide penalties; to provide severability; to provide an operative date; to repeal the original sections, and also section 77-1301.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 582. By Kilgarin, 7th District.
This bill introduced on behalf of: working parents.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1981, relating to income tax; to authorize a credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 583. By Warner, 25th District.
This bill introduced on behalf of: a constituent.

A BILL FOR AN ACT to amend section 37-510, Revised Statutes Supplement, 1981, relating to game and parks; to change certain provisions relating to trapping; and to repeal the original section.

LEGISLATIVE BILL 584. By Warner, 25th District.
This bill introduced on behalf of: a constituent.

A BILL FOR AN ACT relating to safety; to provide for carbon monoxide detection devices on certain equipment and appliances; to provide responsibility for service and installation; and to provide a penalty.

LEGISLATIVE BILL 585. By Warner, 25th District.
This bill introduced on behalf of: Lancaster County Commission.

A BILL FOR AN ACT relating to counties; to provide for the creation of water and sanitary sewer districts; to provide for assessments; and to provide for bonds.

LEGISLATIVE BILL 586. By Wagner, 41st District.
This bill introduced on behalf of: uniform government.

A BILL FOR AN ACT to amend section 76-902, Revised Statutes Supplement, 1980, relating to taxation; to provide an exemption for certain deeds from the stamp tax; and to repeal the original section.

LEGISLATIVE BILL 587. By Kremer, 34th District; Wagner, 41st District; DeCamp, 40th District; Cope, 36th District; Lamb, 43rd District.
This bill introduced on behalf of: Grand Island N.W. High School; Columbus Lakeview High School.

A BILL FOR AN ACT to amend section 79-801, Revised Statutes Supplement, 1981, relating to schools; to provide procedures for inclusion of certain territory within a Class III school district; and to repeal the original section.

LEGISLATIVE BILL 588. By Wagner, 41st District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to game and parks; to provide for disposition of certain animals.

LEGISLATIVE BILL 589. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Remmers, 1st District; Clark, 47th District; Landis, 46th District; Labedz, 5th District.
This bill introduced on behalf of: people of State of Nebraska.

A BILL FOR AN ACT to amend sections 67-237, 67-243, 67-251, 67-253, and 67-254, Revised Statutes Supplement, 1981, relating to limited partnerships; to provide rights for particular limited partnerships; to change record-keeping requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 590. By Kilgarin, 7th District; Beutler, 28th District.
This bill introduced on behalf of: the people of Nebraska.

A BILL FOR AN ACT relating to courts; to amend sections 24-516 and 26-1,203, Reissue Revised Statutes of Nebraska, 1943, and section 26-106, Revised Statutes Supplement, 1981; to provide for the temporary assignment of a municipal judge as prescribed; to change provisions relating to payment of certain judges; and to repeal the original sections.

LEGISLATIVE BILL 591. By Landis, 46th District.
This bill introduced on behalf of: the city of Lincoln.

A BILL FOR AN ACT to amend section 77-27, 142, Revised Statutes Supplement, 1981, relating to revenue and taxation; to authorize an increase in a tax as prescribed; and to repeal the original section.

LEGISLATIVE BILL 592. By Lamb, 43rd District.
This bill introduced on behalf of: Legislative Council.

A BILL FOR AN ACT relating to obsolete statutes; to repeal sections 2-3203.01, 39-2516, 45-159 to 45-162, 64-115, 64-117, 68-632, 68-710 to 68-715, 70-650.02, 71-208.05, 71-223.03, 71-2019, 72-423 to 72-425, 72-719, 75-122.02, 76-240, 76-717.01, 77-405.01, 77-424, 77-1506.09, 81-815.35, 81-8,273 to 81-8,275, 81-1204.01, 81-1204.02, 83-4,106 to 83-4,108, 83-955, 83-1070, 83-1072 to 83-1077, and 84-1317.01, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,272 and 83-1071, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 593. By Remmers, 1st District; R. Peterson, 21st District.
This bill introduced on behalf of: constituents.

A BILL FOR AN ACT to amend section 81-216.21, Revised Statutes Supplement, 1981, relating to the Nebraska Pure Food Act; to change the permit requirements for certain persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 594. By Landis, 46th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend section 23-122, Reissue Revised Statutes of Nebraska, 1943, relating to counties; to change provisions requiring publication; and to repeal the original section.

LEGISLATIVE BILL 595. By Fowler, 27th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to repeal section 44-1615.01, Revised Statutes Supplement, 1981, relating to insurance; to repeal a restriction on coverage for abortion.

LEGISLATIVE BILL 596. By Nichol, 48th District.
This bill introduced on behalf of: Cemetery District.

A BILL FOR AN ACT to amend section 77-3422, Revised Statutes Supplement, 1980, relating to the Political Subdivision Budget Limit Act of 1979; to exempt certain political subdivisions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 597. By Nichol, 48th District.
This bill introduced on behalf of: City Police.

A BILL FOR AN ACT to amend section 39-6,149, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,148, Revised Statutes Supplement, 1980, relating to the rules of the road; to remove language authorizing Military Department vehicles to display certain lights; to authorize the display of certain lights on police vehicles; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 598. By Nichol, 48th District.
This bill introduced on behalf of: Community Technical Colleges.

A BILL FOR AN ACT to amend sections 81-1632 and 81-1633, Revised Statutes Supplement, 1981, relating to the State Energy Office; to allow technical community colleges to receive certain energy grants; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 599. By Nichol, 48th District.
This bill introduced on behalf of: Nebraska Western College.

A BILL FOR AN ACT to amend section 48-627, Revised Statutes Supplement, 1981, relating to unemployment benefits; to change certain conditions of eligibility for the receipt of benefits; and to repeal the original section.

LEGISLATIVE BILL 600. By Nichol, 48th District.
This bill introduced on behalf of: Livestock Haulers.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1981, relating to motor vehicles; to change provisions relating to weight and length restriction when carrying livestock; and to repeal the original section.

LEGISLATIVE BILL 601. By Nichol, 48th District.
This bill introduced on behalf of: County Planning Commission.

A BILL FOR AN ACT to amend section 23-114.01, Revised Statutes Supplement, 1981, relating to counties; to change membership requirements for county planning commissions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 602. By Cullan, 49th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend sections 68-104, 68-114, and 68-126, Reissue Revised Statutes of Nebraska, 1943, relating to paupers and public assistance; to require the Department of Welfare to provide medical services for certain poor persons; to relieve counties of the duty to provide such services; and to repeal the original sections.

LEGISLATIVE BILL 603. By Cullan, 49th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to provide a salary increase for Supreme Court judges; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 604. By Cope, 36th District; Rumery, 42nd District; Fowler, 27th District.
This bill introduced on behalf of: #309 Oversight Committee.

A BILL FOR AN ACT to amend sections 81-173, 81-178, 81-180, 81-186, 81-189, 81-191, and 81-191.01, Revised Statutes Supplement, 1980, relating to building maintenance; to redefine terms; to change certain duties of the Task Force for Building Renewal; to change provisions relating to certain plans for building maintenance; to provide for continuation of the task force and certain sections; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 605. By Koch, 12th District.
This bill introduced on behalf of: State Electrical Board.

A BILL FOR AN ACT to amend section 81-586, Reissue Revised Statutes of Nebraska, 1943, and sections 81-579 and 81-596, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to change certain provisions relating to license renewal; to prohibit the lending of licenses; to impose a fee; and to repeal the original sections.

LEGISLATIVE BILL 606. By Kremer, 34th District.
This bill introduced on behalf of: funeral directors.

A BILL FOR AN ACT to amend section 71-1344, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Health; to allow the Department to audit certain trust funds; and to repeal the original section.

LEGISLATIVE BILL 607. By H. Peterson, 35th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 79-1703, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to permit the waiver of certain requirements for nonpublic schools; and to repeal the original section.

LEGISLATIVE BILL 608. By H. Peterson, 35th District.
This bill introduced on behalf of: Natural Resources Commission.

A BILL FOR AN ACT relating to the Natural Resources Commission; to provide intent; to define terms; to provide procedures for flood plain management; to provide duties; to provide for severability; and to repeal sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.27, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 609. By Marsh, 29th District.
This bill introduced on behalf of: Teachers of Nebraska.

A BILL FOR AN ACT relating to retirement; to amend section 79-1522.01, Revised Statutes Supplement, 1981; to define a term; to change the annuity formula; and to repeal the original section.

LEGISLATIVE BILL 610. By H. Peterson, 35th District; Hefner, 19th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943, and section 48-810, Revised Statutes Supplement, 1980, relating to public employees; to prohibit certain employees from joining unions; to restrict the use of public funds; and to repeal the original sections, and also sections 79-1287 to 79-1295, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 611. By Kahle, 37th District.
This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT relating to roads and highways; to amend sections 23-2410, 23-2411, 39-2124, and 39-2125, Reissue Revised Statutes of Nebraska, 1943, and sections 39-2103, 39-2105, 39-2109, and 39-2113, Revised Statutes Supplement, 1980; to provide for an additional class of roads; to provide for liability for such roads; to provide jurisdictional responsibility for the roads; to provide certain maintenance standards for such roads; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 612. By Pirsch, 10th District.
This bill introduced on behalf of: Concerned citizens of Nebraska.

A BILL FOR AN ACT to amend section 29-2203, Revised Statutes Supplement, 1981, relating to criminal procedure; to change provisions relating to the defense of insanity; and to repeal the original section.

LEGISLATIVE BILL 613. By Pirsch, 10th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 60-325 and 60-1707, Reissue Revised Statutes of Nebraska, 1943, and sections 60-323 and 60-1701, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide that owners be responsible for license plate and safety inspection violations; to provide a penalty; to provide an operative date; to repeal the original sections, and also section 60-1707, Reissue Revised Statutes of Nebraska, 1943, as amended by section 4 of this act, and section 60-1701, Revised Statutes Supplement, 1980, as amended by section 3 of this act; and to declare an emergency.

LEGISLATIVE BILL 614. By Fowler, 27th District.
This bill introduced on behalf of: Federal retirees.

A BILL FOR AN ACT to amend section 77-3504, Revised Statutes Supplement, 1980, and section 77-2715, Revised Statutes Supplement, 1981, relating to revenue and taxation; to provide an income tax exemption for federal civil service annuities; to modify a definition; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 615. By Burrows, 30th District.
This bill introduced on behalf of: Law enforcement.

A BILL FOR AN ACT relating to disability compensation; to amend section 48-121, Revised Statutes Supplement, 1980, and section 81-2026, Revised Statutes Supplement, 1981; to change compensation rates for certain state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 616. By Fenger, 45th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 53-124, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to provide a retail license as prescribed; to provide restrictions on certain sales; to authorize an exchange to certain licenses; to provide for severability; and to repeal the original section.

LEGISLATIVE BILL 617. By Stoney, 4th District.
This bill introduced on behalf of: NACI.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1981, relating to employment security; to provide a deduction from the benefit amount; and to repeal the original section.

LEGISLATIVE BILL 404A. By Fowler, 27th District.
This bill introduced on behalf of: LB 404.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 604A. By Cope, 36th District; Rumery, 42nd District; Fowler, 27th District.
This bill introduced on behalf of: LB 604.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 604, Eighty-seventh Legislature, Second Session, 1982, and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused January 7 and 8, 1982. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

Req. #2486

1. Underscore original section 1.

2. On page 2, line 3, strike "83-946" and insert "83-4,125".

3. Insert the following new sections:

"Sec. 2. That section 28-101, Revised Statutes Supplement, 1980, be amended to read as follows:

28-101. Sections 28-101 to 28-1335 ~~and sections 28-431, and 28-439 to 28-444~~ and sections 4 to 8 of this act shall be known as the Nebraska Criminal Code.

Sec. 3. That section 28-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-904. (1) A person commits the offense of resisting arrest if, while intentionally preventing or attempting to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest of the actor or another, he or she:

(a) Uses or threatens to use physical force or violence against the peace officer or another; or

(b) Uses any other means which creates a substantial risk of causing physical injury to the peace officer or another; or

(c) Employs means requiring substantial force to overcome resistance to effecting the arrest.

(2) It is an affirmative defense to prosecution under this section if the peace officer involved was out of uniform and did not identify himself or herself as a peace officer by showing his or her credentials to the person whose arrest is attempted.

(3) Resisting arrest is (a) a Class I misdemeanor for the first such offense and (b) a Class IV felony for any second or subsequent such offense.

(4) Resisting arrest through the use of a deadly or dangerous weapon is a Class IV felony.

Sec. 4. (1) A person commits the offense of assault on an officer in the first degree if he or she intentionally or knowingly causes serious bodily injury to a peace officer or employee of the Department of Correctional Services while such officer or employee is engaged in the performance of his or her official duties.

(2) Assault on an officer in the first degree shall be a Class II felony.

Sec. 5. (1) A person commits the offense of assault on an officer in the second degree if he or she:

(a) Intentionally or knowingly causes bodily injury with a dangerous instrument to a peace officer or employee of the Department of Correctional Services while such officer or employee is engaged in the performance of his or her official duties; or

(b) Recklessly causes bodily injury with a dangerous instrument to a peace officer or employee of the Department of Correctional Services while such officer or employee is engaged in the peformance of his or her official duties.

(2) Assault on an officer in the second degree shall be a Class III felony.

Sec. 6. (1) A person commits the offense of assault on an officer in the third degree if he or she:

(a) Intentionally, knowingly, or recklessly causes bodily injury to a peace officer or employee of the Department of Correctional Services while such officer or employee is engaged in the performance of his or her official duties; or

(b) Threatens in a menacing manner a peace officer or employee of the Department of Correctional Services while such officer or employee is engaged in the performance of his or her official duties.

(2) Assault on an officer in the third degree shall be a Class IV felony.

Sec. 7. (1) Any person who is legally confined in a jail or correctional or penal institution and intentionally, knowingly, or recklessly causes bodily injury to another person or threatens another in a menacing manner shall be guilty of a Class IV felony, except that if a deadly or dangerous weapon is used to commit such assault he or she shall be guilty of a Class III felony.

(2) Sentences imposed under subsection (1) of this section shall be consecutive to any sentence or sentences imposed for violations committed prior to the violation of subsection (1) of this section.

Sec. 8. (1) Any person who is legally confined in a jail or correctional or penal institution and who commits (a) assault in the first, second, or third degree as defined in sections 28-308 to 28-310, (b) terroristic threats as defined in section 28-311, (c) kidnapping as defined in section 28-313, or (d) false imprisonment in the first or second degree as defined in sections 28-314 and 28-315, against any person for the purpose of compelling or inducing the performance of any act by such person or any other person shall be guilty of a Class II felony.

(2) Sentences imposed under subsection (1) of this section shall be served consecutive to any sentence or sentences imposed for violations committed prior to the violation of subsection (1) of this section.

Sec. 9. That original section 28-904, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1980, are repealed.".

Mr. Fowler asked unanimous consent to print the following amendment to LB 458 in the Journal. No objections. So ordered.

Req. #2504

1. Strike original sections 1 to 4.

2. On page 7, strike beginning with "plus" in line 4 through "birthday" in line 8.

3. On page 8, strike the new matter in lines 17 through 22 and insert:

"(5) The vesting percentage shall be one hundred for an employee who has participated in the retirement plan for five years or who qualifies".

4. On page 9, strike beginning with "Such" in line 3 through "hundred" in line 4 and show the old matter as stricken; in line 14 strike "prior to" and show as stricken; in lines 14 and 15 strike the new matter; in line 22 strike "and" and show as stricken; and strike the new matter in lines 22 through 27.

5. On page 10, in lines 1 to 4 strike the new matter; strike beginning with "Any" in line 9 through the period in line 16 and show the old matter as stricken.

6. Strike original sections 7 to 9.

7. On page 16, strike beginning with "(1)" in line 2 through the period in line 8 and show the old matter as stricken; in line 10 strike "(2)" and insert "(1)" and strike "ten" and insert "five"; strike beginning with "and" in line 11 through "and" in line 12; in lines 14 and 15 strike "(3)" and insert "(2)"; and strike beginning with "sections" in line 15 through "board" in line 24 and insert "section".

8. On page 17, line 1 strike "(3)" and insert "(2)" and strike "ten" and insert "five".

9. Strike original sections 11 and 12.

10. Insert the following new section:

"Sec. 4. That section 81-2031, Revised Statutes Supplement, 1981, be amended to read as follows:

81-2031. (1) Should any patrolman, prior to becoming eligible to retire, as provided in section 81-2025, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, with less than five years of service, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by sections 81-2014 to 81-2034 plus regular interest earned each fiscal year commencing July 1, 1974, as determined by the retirement board in conformity with actual and expected earnings on its investments.

(2) ~~In lieu of the benefit described in subsection (1) of this section,~~ Should any patrolman, prior to becoming eligible to retire, as provided in section 81-2025, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, with more than five years of service the patrolman may elect to receive a deferred annuity to commence at any age from fifty to fifty-five. If this election is made, the contributions made to the system by the patrolman may not be withdrawn from the system. The deferred annuity is computed as a percentage of the retirement annuity, as computed in subsection (1) of section 81-2026. The percentage is zero per cent for the first five years of service~~; twenty per cent for each completed year of service for the next five years of service;~~ and one hundred per cent after ~~ten~~ five completed years of service. In the event of the death of any patrolman during the deferred period, the accumulated value of the patrolman's contributions at the date of termination plus regular interest to the date of his or her death shall be paid to such patrolman's beneficiary.".

11. On page 20, line 23 strike "1980" and insert "1981"; and in line 26 strike "fifty-five" and reinstate "sixty".

12. On page 21, in lines 10, 15, and 18 remove the underscoring; and in line 14 strike "; Provided, " and insert ", except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy-two and".

13. On page 22, line 8 strike "(a)" and after "carrier" insert "(a)"; and strike beginning with "plus" in line 10 through "birthday" in line 14.

14. On page 23, line 10 strike "fifty-five" and reinstate "sixty".

15. On page 24, strike lines 1 through 7 and insert:

"(4) The vesting percentage shall be one hundred for an employee who has participated in the retirement plan for five years or who qualifies for".

16. Strike original section 15 and insert the following new section:

"Sec. 7. That original sections 23-2319, 24-706, 79-1049, and 84-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 81-2031 and 84-1317, Revised Statutes Supplement, 1981, are repealed.".

17. Renumber original sections 5, 6, 10, 13, and 14 as sections 1 to 3, 5, and 6 respectively.

Mr. Rumery asked unanimous consent to print the following amendment to LB 287 in the Journal. No objections. So ordered.

Req. #2500

1. On page 2, reinstate the stricken matter beginning with "An" in line 5 through "occurs" in line 10; in line 10 after "occurs" insert "and with the annual approval of the county board and employee, such employee may continue his or her employment beyond the time required in such rules."; in line 12 after "~~such~~" insert "Such" and reinstate "rules"; and reinstate the stricken matter in line 13.

2. Strike original section 2.

3. On page 6, lines 14 through 16 reinstate the stricken matter; and in line 16 after "date" insert ", except that with the annual approval of the board and member, such member may continue his or her employment beyond such compulsory retirement date".

4. On page 7, line 18, strike "1980" and insert "1981"; reinstate lines 19 through 23; in line 23 after "service" insert "beyond the attainment of age seventy."; in line 25 strike "not"; and in line 27 strike "nor" and insert "and" and strike "he or she".

5. On page 8, line 2, reinstate the stricken mater and after "age" insert "seventy"; and in line 3 reinstate "shall" through the period.

6. Strike original section 6 and insert the following new section:

"Sec. 5. That section 84-1317, Revised Statutes Supplement, 1981, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

~~No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member~~

~~have tenure status revoked due to age.~~

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment ~~until~~ beyond the attainment of age ~~seventy-two~~ seventy, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy. ~~seventy-two and the Clerk and Reporter of the Supreme Court serving on July 12, 1974, may continue employment with approval of the Supreme Court and any employee of the legislative council serving on July 12, 1974, may continue employment with the approval of the Legislature.~~

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.".

7. On page 9, line 12 strike "1980" and insert "1981"; in line 13 remove the underscoring; in line 16 reinstate the stricken matter and after "retire" insert ", except that with the annual approval of the governing board of the institution and the employee, such employee may continue his or her employment beyond the attainment of age seventy"; after line 16 insert the following subsection:

"(2) Any employee continuing to work after age sixty-five shall continue to make contributions to the appropriate retirement system until the date of retirement."; and in line 17 strike "(2)" and insert "(3)".

8. Strike original section 8 and insert the following new section:

"Sec. 7. That original section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981, are repealed.".

9. Renumber sections 3 to 5 and 7 as sections 2 to 4 and 6 respectively.

Mr. Newell asked unanimous consent to print the following amendment to LB 131 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2506.)

EASE

The Legislature was at ease from 10:39 a.m. until 10:52 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title.

LEGISLATIVE BILL 618. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 39-669.07, Revised Statutes Supplement, 1980, relating to rules of the road; to change provisions relating to driving under the influence of alcohol; and to repeal the original section.

LEGISLATIVE BILL 619. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to adopt the Nebraska Foreign Export Market and Port Development Act; and to declare an emergency.

LEGISLATIVE BILL 620. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to abortion; to redefine viability; to provide requirements for abortion procedures; to provide for the treatment of the unborn child; to change a penalty provision; to amend section 28-332, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 28-326 and 28-329 to 28-331, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 621. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 8-157, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to provide for statewide branch banking as prescribed; to remove restrictions on services at auxiliary teller offices; and to repeal the original section.

LEGISLATIVE BILL 622. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to highways; to direct the issuance of bonds to be used for highway construction; and to declare an emergency.

LEGISLATIVE BILL 623. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to interest; to amend sections 45-105, 45-109, and 45-110, Reissue Revised Statutes of Nebraska, 1943, sections 8-435, 21-1773, 45-101.03, 45-101.04, 45-102, 45-114, 45-137, 45-138, 45-207, 45-338, and 45-341, Revised Statutes Supplement, 1980, and section 8-820, Revised Statutes Supplement, 1981; to eliminate maximum rates of interest for a certain period of time as prescribed; to reject the federal provisions on interest rates as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 624. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to adopt the Uniform Information Practices Code; and to repeal sections 84-712, 84-712.01, and 84-712.03 to 84-712.09, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 625. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend sections 25-1505 and 25-1506, Reissue Revised Statutes of Nebraska, 1943, relating to executions; to change the period for stay of mortgage foreclosures as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 626. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to redesignate such offices; to authorize the making of loans from such offices; to authorize certain acquisitions by bank holding companies as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 627. By DeCamp, 40th District; Kilgarin, 7th District.

This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 37-1008, Reissue Revised Statutes of Nebraska, 1943, relating to the Recreation Liability Act; to change a definition; and to repeal the original section.

LEGISLATIVE BILL 628. By DeCamp, 40th District; Vickers, 38th District; Koch, 12th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Equal Opportunity in Education Act.

LEGISLATIVE BILL 629. By DeCamp, 40th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend section 33-141, Reissue Revised Statutes of Nebraska, 1943, relating to legal notices; to provide for an increase in the legal rate; to provide a table for the purpose of calculating fees; and to repeal the original section.

LEGISLATIVE BILL 630. By Newell, 13th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT relating to land reutilization authorities; to amend sections 77-913 and 77-3211, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to cancellation of tax bills as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 631. By Von Minden, 17th District; Hefner, 19th District; Goll, 16th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 2-1207 and 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to change taxing provisions; and to repeal the original sections.

LEGISLATIVE BILL 632. By Wesely, 26th District; Remmers, 1st District; Rumery, 42nd District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to provide an appropriation.

LEGISLATIVE BILL 633. By Clark, 47th District.

This bill introduced on behalf of: Telephone Association.

A BILL FOR AN ACT to amend sections 75-126 and 75-128, Reissue Revised Statutes of Nebraska, 1943. relating to common carriers; to change provisions relating to rates and services as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 634. By Newell, 13th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to authorize the use of revenue bonds as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 635. By Kahle, 37th District.
This bill introduced on behalf of: Community Mental Health.

A BILL FOR AN ACT to amend section 71-5009, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Comprehensive Community Mental Health Services Act; to change provisions relating to funding of the mental health regional boards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 636. By Warner, 25th District.
This bill introduced on behalf of: City of Lincoln.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-106, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the annexation of certain additions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 637. By Vickers, 38th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to provide negative balance rate schedules for certain employers with an experience account exhibiting a negative balance; and to repeal the original section.

LEGISLATIVE BILL 638. By Koch, 12th District.
This bill introduced on behalf of: Library Commission.

A BILL FOR AN ACT relating to libraries; to adopt the Nebraska Library Services Act; to provide penalties; to harmonize provisions; to provide an operative date; to amend sections 23-922, 51-301 to 51-304, 51-307, 51-311, 51-312, 51-315, 51-317 to 51-319, and 51-403, Reissue Revised Statutes of Nebraska, 1943, section 51-316, Revised Statutes Supplement, 1980, and sections 51-313 and 51-314, Revised Statutes Supplement, 1981; to repeal the original sections, and also section 51-310, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 639. By Wiitala, 31st District.
This bill introduced on behalf of: the citizens of Nebraska.

A BILL FOR AN ACT to amend sections 35-503, 35-504, 35-505, 35-507, 35-521, 35-523, 35-525, 35-531, 35-532, and 35-535, Reissue Revised Statutes of Nebraska, 1943, sections 35-502, 35-509, 35-513.02, and 35-519, Revised Statutes Supplement, 1980, and sections 35-506 and 35-514, Revised Statutes Supplement, 1981, relating to rural and suburban fire protection districts; to remove provisions making land ownership a prerequisite for prospective petitioners and voters residing within an existing or proposed district; to change provisions relating to the membership of the board of directors; to provide duties; to require proof of eligibility to vote at meetings; and to repeal the original sections.

LEGISLATIVE BILL 640. By Wiitala, 31st District.
This bill introduced on behalf of: the citizens of Nebraska.

A BILL FOR AN ACT relating to hazardous employment; to provide rebuttable presumptions of cause of certain defects or disease; and to declare an emergency.

LEGISLATIVE BILL 641. Wiitala, 31st District.
This bill introduced on behalf of: the citizens of Nebraska.

A BILL FOR AN ACT to amend sections 79-1247.07 and 79-1286, Revised Statutes Supplement, 1980, relating to teachers; to reduce certification fees; to eliminate a fund; and to repeal the original section.

LEGISLATIVE BILL 642. By Wiitala, 31st District.
This bill introduced on behalf of: the citizens of Nebraska.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1980, relating to schools; to eliminate the payment of tuition for certain children as prescribed; and to repeal the original section.

LEGISLATIVE BILL 643. By Wiitala, 31st District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 9-146, Revised Statutes Supplement, 1980, relating to bingo; to increase the number of bingo occasions authorized; and to repeal the original section.

LEGISLATIVE BILL 644. By Vickers, 38th District.
This bill introduced on behalf of: Nebraska Rural Electric Association.

A BILL FOR AN ACT to amend section 77-2353.01, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change certain provisions relating to investments; and to repeal the original section.

LEGISLATIVE BILL 645. By Kilgarin, 7th District.
This bill introduced on behalf of: Disabled Persons.

A BILL FOR AN ACT to amend section 60-311.14, Revised Statutes Supplement, 1980, relating to motor vehicles; to change provisions relating to license plates for disabled persons; and to repeal the original section.

SPEAKER MARVEL PRESIDING

MOTION - Adopt Permanent Rules

Mr. Wesely moved to adopt the permanent rules.

The Rules Committee offered the following proposed rule changes to the permanent rules:

(1)

LIMIT MOTIONS TO RECONSIDER

Amend Rule 7, Sec. 7 by adding the following new language after Sec. 7(c):

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

Proposed rule change 1 was adopted with 38 ayes, 0 nays, and 11 not voting.

(2)

RETURN FOR EMERGENCY CLAUSE

Amend Rule 6, Sec. 8(c) as follows:

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members. ~~Provided, however, if the proposed amendment be to add the emergency clause, it may only be adopted by a vote of two-thirds of the elected members.~~

Proposed rule change 2 was adopted with 34 ayes, 0 nays, and 15 not voting.

(3)

IN CHAMBER TO VOTE

Amend Rule 7, Sec. 2 by adding the following new language:

Only Senators physically in the legislative chamber may vote.

Proposed rule change 3 was adopted with 35 ayes, 0 nays, and 14 not voting.

(4)

MAJORITY TO ADJOURN

Amend Rule 7, Sec. 9 by adding the following new language:

A motion to adjourn shall be adopted if approved by a majority of members voting.

Proposed rule change 4 was adopted with 32 ayes, 0 nays, and 17 not voting.

(5)

EXPLANATION OF VOTES

Amend Rule 2, Sec. 5 as follows:

Absent members who are excused may have inserted into the Journal how they would have voted had they been present.

Mr. Wesely moved for a Call of the House. The motion lost with 15 ayes, 23 nays, and 11 not voting.

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 22:

Beutler
Carsten
Cope
Cullan
Duda
Goll
Hefner
Hoagland
Kahle
Koch
Kremer
Landis
Marsh
Newell
Rumery
Schmit
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Chambers
Chronister
Goodrich
Haberman
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Wagner

Not voting, 6:

Burrows
Clark
DeCamp
Dworak
Fenger
Fowler

Proposed rule change 5 lost with 22 ayes, 21 nays, and 6 not voting.

(6)

COMMITTEE STATEMENTS

Amend Rule 3, Sec. 17 to add a new section as follows:

(d) When a bill is advanced to E & R for Engrossment and it has been significantly amended on General File or Select File, then the chairperson of the committee which heard the bill shall direct staff to prepare a revised committee statement summarizing the bill as amended, and to file the statement with the Clerk of the Legislature within 2 legislative days for distribution to each senator. The committee chairperson may also prepare and distribute revised statements whenever a bill is amended.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Proposed rule change 6 lost with 17 ayes, 25 nays, and 7 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 646. By Goodrich, 20th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1981, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

LEGISLATIVE BILL 647. By Hefner, 19th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 32-705 and 32-713.01, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change provisions relating to initiative and referendum petitions as prescribed; to provide duties for sponsors and circulators of petitions; to provide a penalty; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 648. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; R. Peterson, 21st District; Sieck, 24th District; Nichol, 48th District; Remmers, 1st District; Wagner, 41st District; Burrows, 30th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 85-180.11, Revised Statutes Supplement, 1981, relating to the college of veterinary medicine; to extend a termination date; and to repeal the original section.

LEGISLATIVE BILL 649. By Adminstrative Rules & Regulations Review Committee: V. Johnson, 8th District, Chairperson; Haberman, 44th District; R. Peterson, 21st District; Barrett, 39th District; Koch, 12th District; DeCamp, 40th District; Fowler, 27th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to repeal rules providing specific criteria for the functional classification of scenic-recreational roads.

LEGISLATIVE BILL 650. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Goll, 16th District; Beutler, 28th District; Hoagland, 6th District; Vickers, 38th District; Lamb, 43rd District; Kremer, 34th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 85-901, 85-907, 85-908, and 85-909, Reissue Revised Statutes of Nebraska, 1943, and sections 85-910 and 85-911, Revised Statutes Supplement, 1980, relating to postsecondary education; to restate intent; to change the powers and duties of the Nebraska Coordinating Commission for Postsecondary Education; to change provisions relating to such commission; to provide for a biennial report; and to repeal the original sections, and also sections 85-913 to 85-916, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 651. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Goll, 6th District; Lamb, 43rd District; Hoagland, 6th District; Vickers, 38th District; Kremer, 34th District; Beutler, 28th District.
This bill introduced on behalf of: State Board of Education.

A BILL FOR AN ACT relating to education; to amend section 71-1404, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain provisions relating to special education programs, crippled children, school funds, and the school for the deaf; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 43-644, 71-1406, 79-4,140, 79-4,163, and 79-1413, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 652. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Goll, 16th District; Hoagland, 6th District; Beutler, 28th District; Vickers; 38th District; Lamb, 43rd District; Kremer, 34th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to schools; to provide procedures for waiver of certain requirements; to provide duties for the State Board of Education; and to establish criteria.

LEGISLATIVE BILL 653. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Lamb, 43rd District; Goll, 16th District; Hoagland, 6th District; Vickers, 38th District; Kremer, 34th District; Beutler, 28th District.
This bill introduced on behalf of: State Board of Education.

A BILL FOR AN ACT to amend section 79-488, Revised Statutes Supplement, 1980, relating to transportation of pupils; to change provisions relating to inspection of school vehicles used for the transportation of students; and to repeal the original section.

LEGISLATIVE BILL 654. By Education Committee: Koch, 12th District, Chairperson; Wiitala, 31st District; Goll, 16th District; Hoagland, 6th District; Vickers, 38th District; Beutler, 28th District; Kremer, 34th District.

This bill introduced on behalf of: State Board of Education.

A BILL FOR AN ACT to amend section 79-325, Reissue Revised Statutes of Nebraska, 1943, relating to education; to authorize an employment contract with the Commissioner of Education as prescribed; and to repeal the original section.

LEGISLATIVE BILL 655. By Beyer, 3rd District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend section 75-309, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to provide for notice to shippers and consignees when transportation has been made by a carrier not having a certificate of public convenience and necessity; and to repeal the original section.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 1, Governor's Appointments.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

Governor's Appointments - Reference

Public Health and Welfare
Ken Wall, Director, Health Manpower Referral Service
Ronald E. Houser, State Board of Health

Education
Don Cattle, Safety Center Advisory Council
Lorraine Giles, Safety Center Advisory Council
Dr. Kenneth Kimball, Safety Center Advisory Council
E.L. Laird, Safety Center Advisory Council
John J. Peterson, Safety Center Advisory Council
Ken Sieckmeyer, Safety Center Advisory Council
Jack Buist, Safety Center Advisory Council
Banking, Commerce and Insurance
Calvin Coulter, Nebraska Investment Council
Revenue
Don Leuenberger, Director, Dept of Revenue
Public Works
Harold Peterson, Nebraska Highway Bond Commission
Duane W. Acklie, State Highway Commission
Babette Prostok, State Highway Commission
Merle Kingsbury, State Highway Commission
Government, Military & Veterans Affairs
Betsy Palmer, Director, Policy Research Office
Judiciary
Doris D. Collins, Board of Parole

RESOLUTION

LEGISLATIVE RESOLUTION 197.

Introduced by Koch, 12th District.

WHEREAS, the ability to read is the most fundamental and thus the most important aspect of our educational experience; and

WHEREAS, effective reading is essential to persons of all ages and all areas of endeavor as wage earners and contributing members of society; and

WHEREAS, our concepts of reading and reading instruction are changing in conjunction with changes in virtually every field of the sciences and the arts; and

WHEREAS, it is the duty of the citizens of Nebraska to make available to our children every feasible educational advantage and to show by example an intelligent approach to this facet of our daily lives; and

WHEREAS, it is every human's right to become a life-long reader and to enhance intellectual growth and personal fulfillment; and

WHEREAS, the Nebraska State Reading Council, Nebraska Association of the Elementary Principals, Nebraska Library Commission, Nebraska Library Association, and State Department of Education are seeking to bring the children and the adults of this state such information and aid as is necessary to assist them in becoming more proficient lifelong readers, for both information and pleasure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the month of September, 1982 is hereby proclaimed as Nebraska Reading Month.
2. That the Legislature urges that the attention of the State's citizens be directed toward fitting observances of this significant occasion.

Laid over.

LEGISLATIVE RESOLUTION 198.

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article VII, section 6, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 6, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 6. No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under the direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide. The portion of the budget of the Board of Educational Lands and Funds which is used for costs of administration shall be subject to approval by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require legislative approval of a certain portion of the budget of the Board of Educational Lands and Funds.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199.

Introduced by Fowler, 27th District; Labedz, 5th District.

WHEREAS, a free labor movement is the foundation of a free society; and

WHEREAS, the right of workers to organize and strike is a basic condition of economic democracy; and

WHEREAS, the government of Poland is attempting to suppress the free labor movement in that country through totalitarian means; and

WHEREAS, we as citizens of Nebraska and the United States should affirm our solidarity with the workers and people of Poland; and

WHEREAS, the Reagan program of economic sanctions against Poland and the Soviet Union serves to illustrate this solidarity;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature supports the Reagan program of economic sanctions against Poland and the Soviet Union and affirms its solidarity with the workers and people of Poland.

Laid over.

LEGISLATIVE RESOLUTION 200.

Introduced by L. Johnson, 15th District..

WHEREAS, the year 1982 marks the fiftieth anniversary of the completion of the State Capitol; and

WHEREAS, the Nebraska State Capitol has been acclaimed as one of the architectural wonders of the world; and

WHEREAS, the Nebraska State Capitol Commission in its report to the Legislature on January 1, 1935, stated "'The Capitol of a state is the outward sign of the characater of its people. Their respect for its traditions and history, their belief in its importance and worth and their love of its fair name—let the new Capitol be its symbol.'"; and

WHEREAS, the Nebraska State Capitol Commission in its report to the Legislature on January 1, 1935, stated "It is difficult for Nebraska to realize what it has done, but the people of your nation, and of all nations, know, and they look to you for careful preservation of what has become a jewel among Historical Monuments.".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes the artistic and symbolic importance of the State Capitol to all Nebraskans.
2. That the Nebraska Legislature invites and urges all Nebraskans to join in the celebration of the State Capitol's fiftieth anniversary by attending one or more of the special events commemorating the Capitol scheduled during 1982.

Laid over.

LEGISLATIVE RESOLUTION 201.

Introduced by Wagner, 41st District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duda, 14th District; Dworak, 22nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, L., 15th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the 1981 University of Nebraska Football Team compiled a 9 - 2 regular season record; and

WHEREAS, the 1981 University of Nebraska Football Team was the winner of the Big-Eight Conference Championship having convincingly defeated its arch nemesis, Oklahoma, in the final regular season game; and

WHEREAS, the 1981 University of Nebraska Football Team dominated the AP and UPI selections for Big-Eight honors; and

WHEREAS, the 1981 University of Nebraska Football Team produced several All-American football players, both on the field and in the classroom; and

WHEREAS, the 1981 University of Nebraska Football Team produced the winner of the prestigious Outland Award as the nation's outstanding interior lineman; and

WHEREAS, Coach Dr. Tom Osborne and his assistant coaches have consistently provided the citizens of the State of Nebraska with a team that not only unifies the State in spirit but gives each and every Nebraskan a sense of pride in their accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That recognition of the accomplishments of the players and coaches during the past season is hereby acknowledged.
2. That the University of Nebraska Football Team for 1981 will be recognized as the Number One Team in the hearts and minds of all Nebraskans.
3. That a copy of this Resolution be presented to the Athletic Director, Coach Osborne, and the Captains of the 1981 University of Nebraska Football Team.

Laid over.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

Confirmation Hearing of Calvin Coulter	January 7, 1982	1:30 p.m.

(Signed) John DeCamp, Chairperson

RECESS

At 12:06 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Higgins, Labedz, Marsh, Messrs. Burrows, Hoagland, Von Minden, and Wagner who were excused until they arrive.

ANNOUNCEMENT

Speaker Marvel announced LB 435 - (Urban Affairs) Priority removed, 5/11/81 by Chairman Landis.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 656. By Labedz, 5th District.
This bill introduced on behalf of: Elderly.

A BILL FOR AN ACT to amend sections 77-3510, 77-3511, and 77-3514, Revised Statutes Supplement, 1980, relating to homestead exemption; to provide for application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for transfer of homestead exemptions; and to repeal the original sections.

LEGISLATIVE BILL 657. By Fenger, 45th District; Higgins, 9th District; Apking, 32nd District; Kahle, 37th District; Kremer, 34th District; Carsten, 2nd District; Vickers, 38th District; Duda, 14th District; Goll, 16th District; Schmit, 23rd District; Nichol, 48th District; Rumery, 42nd District; Pirsch, 10th District; Labedz, 5th District; Haberman, 46th District; Clark, 47th District; DeCamp, 40th District; Beyer, 3rd District; L. Johnson, 15th District; Remmers, 1st District; Von Minden, 17th District; H. Peterson, 35th District.

This bill introduced on behalf of: Taxpayers.

A BILL FOR AN ACT to amend section 85-304, Revised Statutes Supplement, 1980, and section 85-106, Revised Statutes Supplement, 1981, relating to art; to relieve the Board of Regents of the University of Nebraska and the Board of Trustees of Nebraska State Colleges of certain duties; to eliminate the required art work appropriation on the construction or remodeling of certain public buildings; to eliminate certain powers and duties of the Nebraska Arts Council; to repeal the original sections, and also sections 82-317 to 82-329, 85-106.01 to 85-106.03, and 85-304.01 to 85-304.03, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 658. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to interest; to provide interest for certain escrow accounts; to amend section 8-330, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 659. By Business and Labor Committee: Barrett, 39th District, Chairperson; R. Peterson, 21st District; Labedz, 5th District; Wiitala, 31st District; Goll, 16th District; Vickers, 38th District; Apking, 32nd District.
This bill introduced on behalf of: Department of Labor.

A BILL FOR AN ACT relating to health and safety regulations; to define elevators as prescribed.

LEGISLATIVE BILL 660. By Beyer, 3rd District; Apking, 32nd District; Cope, 36th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend sections 39-669.34 and 39-669.35, Reissue Revised Statutes of Nebraska, 1943, relating to employment driving permits; to provide for revocation of such permits; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. By Koch, 12th District.
This bill introduced on behalf of: Motor Vehicle Department.

A BILL FOR AN ACT to adopt the Motor Vehicle Safety Inspection Act; to provide an operative date; to provide penalties; to repeal section 60-1708, Revised Statutes Supplement, 1981; and to declare an emergency.

LEGISLATIVE BILL 662. By Chambers, 11th District.
This bill introduced on behalf of: Counties.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1981, relating to fees; to change provisions relating to fees allowed sheriffs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 663. By Chambers, 11th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1981, relating to the sales and use tax; to provide an exemption for caskets and burial vaults; and to repeal the original section.

LEGISLATIVE BILL 664. By V. Johnson, 8th District.
This bill introduced on behalf of: Nebraska School for the Deaf.

A BILL FOR AN ACT relating to the Nebraska School for the Deaf; to name a structure as prescribed; and to declare an emergency.

MOTION - Proposed Rule Changes

The Rules Committee offered the following proposed rule changes to the permanent rules:

(7)

NEW CLOTURE RULE
Amend Rule 7 by adding a new Section 5 to read as follows:

Sec. 5. At any stage of consideration the introducer of the bill or the chairperson of the committee, if it is a committee bill, may move for cloture to the presiding officer after five hours of debate on the bill, except that appropriations bills introduced by the Appropriations Committee shall be subject to a cloture motion only after ten hours of debate. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken. A three-fifths majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and is not debatable. If the motion for cloture is successfull a vote on the advancement of the bill shall be taken, whithout debate, immediately thereafter.

A motion for cloture shall have precedence over other motions except a motion to adjourn.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

A motion to suspend the rules for the purpose of cloture shall not be in order.

MR. CLARK PRESIDING

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 23:

Beutler
Carsten
Cope
DeCamp
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Beyer
Burrows
Chambers
Chronister
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Johnson, L.
Lamb
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 3:

Clark
Higgins
Nichol

Absent and not voting, 1:

Cullan

Proposed rule change 7 lost with 23 ayes, 22 nays, 3 present and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Carsten and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

(8)

SUSPENSION OF THE RULES

Amend Rule 2, Sec. 2 as follows:

Sec. 2. These rules may only be suspended by a ~~three-fifths~~ two-thirds majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Proposed rule change 8 lost with 15 ayes, 25 nays, 6 present and not voting, and 3 excused and not voting.

(9)

MODEL COMMITTEE RULES

Amend Rule 3, Sec. 1 by adding a new subsection (d):

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Proposed rule change 9 was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 167
January 5, 1982

Dear Senator DeCamp:

In your letter of December 30, 1981, you ask our opinion as to whether LB 376, 1981 Legislative Session, which was the subject of recent litigation in the case of Center Bank v. Department of Banking & Finance, No. 44421, Nebraska Supreme Court (December 18, 1981), is now subject to a motion for reconsideration.

The court ruled that LB 376 failed on final passage because it did not receive a sufficient number of votes from elected members of the Legislature as required by the Nebraska Constitution. The court further held that the action of the Governor in returning the bill to the Legislature with his objections was tantamount to a veto and "would have prevented the bill from becoming law unless it was reconsidered by the Legislature and passed as provided in the Constitution."

Thus, since LB 376 failed on final passage, it appears that it is in a similar position to any other bill which has failed to achieve the required number of votes on final passage. The legislative rules, however, indicate that LB 376 is not now eligible for a motion for reconsideration. Therefore, unless these rules were to be suspended, LB 376 is dead.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm

Assistant Attorney General

JB:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 168
January 5, 1982

Dear Senator Wesely:

By letter dated December 2, 1981, you have requested the opinion of this office as to whether Neb.Rev.Stat. §59-1617 (Supp. 1981), a section of the Nebraska Consumer Protection Act which exempts from the coverage of the act certain regulated actions or transactions, would result in the Consumer Protection Act, Neb.Rev.Stat. §§59-1601 et seq. (Reissue 1978) having limited applicability to the activities of loan brokers in light of the passage of LB 154 providing for regulation of loan brokers by the Department of Banking and Finance.

The answer to your question is yes.

Neb.Rev.Stat. §45-192 (Supp. 1981) gives the Department of Banking and Finance the power to investigate the activities of any loan broker and the power to order the loan broker to cease and desist whenever the broker has collected an advance fee, as defined by statute, or has willfully misrepresented the terms of his service contract or the contract of a lender.

The Nebraska Consumer Protection Act, among other things, prohibits certain unfair or deceptive acts or practices in the conduct of any trade or commerce (Neb.Rev.Stat. §59-1602 (Reissue 1978)). The act's applicability is limited, however, by Neb.Rev.Stat. §59-1617 (Supp. 1981) which exempts "actions or transactions otherwise permitted, prohibited, or regulated under laws administered by the Director of Insurance, the Public Service Commission, the federal power commission, or any other regulatory body or officer acting under statutory authority of this state." (Emphasis supplied.)

In Kuntzelman v. Avco Financial Services of Nebraska Inc., 206 Neb. 130, 291 N.W.2d 705 (1980), it was held that regulation of installment loan companies by the Department of Banking and Finance activated the aforementioned exemption section of the Consumer Protection Act and there is little question that regulation of loan brokers by the Department of Banking and Finance would do so as well.

The main question, then, will become one of what activities are regulated and which are still subject to the Consumer Protection Act. Kuntzelman, Id., involved an action by a private party against Avco under the Consumer Protection Act. It was alleged that Avco had violated the act by having the plaintiff reaffirm a debt which had previously been discharged in bankruptcy in the course of negotiating a new loan. Avco claimed that its activities were exempt from the Consumer Protection Act as the company was regulated by the Department of Banking and Finance pursuant to the Installment Loan Act, Neb.Rev.Stat. §§45-114 et seq. (Reissue 1978). The Installment Loan Act required Avco to have a license, gave authority to the Department of Banking and Finance to inspect company records, permitted the Department to enact regulations governing the area, gave the Department power to order companies in violation of the act or Department regulations to cease and desist and prohibited false or misleading advertising by regulated companies as to rates, terms or conditions for the lending of money. At that time, however, nothing in the Act specifically prohibited Avco from causing a debtor to reaffirm a debt discharged in bankruptcy and the Department of Banking and Finance had apparently adopted no regulations in the area as the record was silent on this subject.

The court indicated in its opinion that just because a business was regulated generally, the Consumer Protection Act may still apply if the unfair or deceptive act or practice is not regulated. Nevertheless, the court proceeded to hold that the case fell within the exemption section of the Consumer Protection Act, primarily relying upon the power given to the Department of Banking and Finance to inspect business records, to order the company to cease and desist from conduct violative of the Installment Loan Act and the act's prohibition of false and misleading advertising concerning rates, terms or conditions for lending. It should be noted that even had an inspection of the company books and records revealed that the conduct which was the subject of the complaint had occurred, the Installment Loan Act at that time did not prohibit the conduct. Assuming there was no validly enacted regulation of the Department of Banking and Finance governing this conduct and assuming the absence of any advertising by Avoc on the subject, it would appear that the Department of Banking would have been on less than solid ground in ordering the company to cease and desist from the activity.

Therefore, in light of the Kuntzelman holding, it is conceivable that not only does the Nebraska Consumer Protection Act have limited applicability to loan brokers due to the passage of LB 154, the loan broker bill, an area may exist where both the Consumer Protection Act and the act regulating loan brokers have questionable applicability.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:jmf
t2
cc: Patrick O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

Speaker Marvel announced LB 69 - (Marsh) be set on Special Order Wednesday, January 13, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 192 in the Journal. No objections. So ordered.

1. On page 2, line 11, before "Unless" insert "(1)"; in line 19 after "justified" insert a period; and strike beginning with "or" in line 19 through "unjust" in line 20 and insert:

"(2) The court, in its discretion, may reduce the amount to be awarded pursuant to this section, or deny an award, to the extent that the prevailing party, during the course of the proceedings engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy or when an overriding public interest exists which would make an award unjust".

Mr. Vickers asked unanimous consent to print the following amendment to LB 32 in the Journal. No objections. So ordered.

1. On page 2, line 14, strike "emission" and insert "reception"; and in line 16 strike "and".
2. On page 3, line 1, strike the period and insert "; and"; after line 1 insert:

"(4) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver."; strike beginning with "receiver" in line 3 through "agency" in line 4 and insert "transmitter, transceiver, or receiver of radio waves which has been lawfully licensed by the Federal Communications Commission"; and in line 19 strike "jammers" and insert "transmission devices".

MOTION - Proposed Rule Changes

The Rules Committee offered the following proposed rule changes to the permanent rules:

(10)

LIEUTENANT GOVERNOR VOTING

Amend Rule 1, Sec. 14 as follows:

Sec. 14. Lieutenant Governor Voting When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided, but shall not vote on Final Reading.

Proposed rule change 10 lost with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

(11)

PRIORITY BILLS

Amend Rule 5, Sec. 6 as follows:

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on general file, or after one vote on select file, shall return to nonpriority status.

Proposed rule change 11 was adopted with 27 ayes, 17 nays, 4 present and not voting, and 1 excused and not voting.

(12)

MOTIONS TO INDEFINITELY POSTPONE

Amend Rule 7 (C) Sec. 3 as follows:

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.

Proposed rule change 12 was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

(13)

FISCAL NOTES AND A-BILLS

1. Amend subsections (a), (e), and (g) of Sec. 6 of Rule 5 to read as follows:

"(a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the government subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact ~~of more than five thousand dollars~~ shall be heard by a committee or considered on General File unless the fiscal note is attached.

(e) When amendments to a bill are adopted by ~~a committee or~~ the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of an member of the Legislature.

(g) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation ~~of $50,000 or more~~ to implement in the ensuing fiscal year . an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading."

2. Strike subsection (f) of Sec. 6 of Rule 5 and renumber remaining subsections (g) to (l) as subsections (f) to (k) respectively.

Proposed rule change 13 was adopted with 27 ayes, 11 nays, 10 present and not voting, and 1 excused and not voting.

(14)

BILL LIMITS

Amend Rule 5, Sec. 5 as follows:

(a) Except as provided in Rule 5, Sec. 7(g), no bill shall be introduced after the tenth legislative day during the sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) ~~A bill may be introduced at the request of the Governor at any time~~. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

(c) A copy of the statement of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) Individual members shall ~~not~~ be limited ~~as to bill introductions~~ as an introducer to a total of 15 bills during any odd-numbered year, and to a total of 8 bills during any even-numbered year. Each committee shall be limited to 8 bills each session. After a bill is introduced, members may add their names to the bill as co-introducers, with the consent of the bill's introducer(s) and unanimous consent of the Legislature. Bills introduced as a result of an interim study of the Legislative Council and bills introduced at the request of the Governor shall be included within the limitations proscribed by this section. Provided, to suspend the rules to allow a committee to exceed the ~~10~~ 8 bill limit a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) ~~and bills introduced at the request of the Governor~~ will not be included in this limitation.

Mr. Lamb offered the following amendment to the proposed rule change 14:

Rule 5

Sec. 5. Introduction of Bills, Ten Day Limitation. (a) Except as provided in Rule 5, Sec 7(g), no bill shall be introduced after the tenth legislative day during sessions in odd-numbered or even-numbered years, except as hereinafter provided.

(b) A bill may be introduced at the request of the Governor at any time. A standing committee or special committee may introduce a bill for any purpose including at the request of another senator provided said bill receives the endorsement of a majority of the committee members, whose names shall be on the bill. After the tenth legislative day, any motion by a standing committee or a special committee to introduce a bill must receive a vote of three-fifths of the elected members of the Legislature for such bill to be introduced.

(c) A copy of the statement of intent of a bill recommended for introduction by a committee must be placed on each member's desk before such introduction of bill is voted upon.

(d) Individual members shall ~~not~~ be limited ~~as to bill introduction~~ as an introducer or co-introducer to a total of 15 bills during any odd-numbered year, and to a total of 8 bills during any even-numbered year. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations proscribed by this section. Provided, to suspend the rules to allow a committee to exceed the ~~10~~ 8 bill limitation a four-fifths vote shall be required. Bills introduced under Rule 5, Sec. 3(a) and bills introduced at the request of the Governor will not be included in the limitation. After a bill is introduced, members may add their names to the bill as co-introducers, with the consent of the bill's introducer(s) and unanimous consent of the Legislature.

The Lamb amendment lost with 14 ayes, 28 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Wesely offered the following amendment to the proposed rule change 14:

To amend 14, Subsection (d) in line 6 after the period insert "provided that such co-introduction shall not count toward the limitation prescribed for members and committees."

The Wesely amendment lost with 13 ayes, 21 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment to the proposed rule change 14:

Add the following: "This rule shall go into effect on February 1, 1982."

Mr. Beutler moved for a Call of the House. The motion lost with 14 ayes, 17 nays, and 18 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler
Carsten
Clark
Haberman
Hoagland
Landis
Newell
Nichol
Sieck
Stoney
Vickers
Wesely

Voting in the negative, 27:

Apking
Barrett
Beyer
Burrows
Chronister
Cope
Duda
Goll
Goodrich
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer

Lamb
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 9:

Chambers
DeCamp
Dworak
Fenger
Fowler
Hefner
Higgins
Labedz
Marvel

Excused and not voting, 1:

Cullan

The Beutler amendment lost with 12 ayes, 27 nays, 9 present and not voting, and 1 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Proposed rule change 14 lost with 10 ayes, 27 nays, 10 present and not voting, and 2 excused and not voting.

(15)

GERMANENESS

Amend Rule 7, Sec. 3(d) to add new language:

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment.

Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A non-germane amendment includes one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed. All committee amendments are germane.

To amend Rule 1, section 12 to add new language:

Sec. 12. President Decide Order of Speaking. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the Chair, the ruling shall be restated and the question shall be phrased: ''Shall the chair be overruled?''. A majority of those present shall be required to overrule the Chair except in the case of a ruling on germaneness where two-thirds of those present shall be required to overrule the chair if the chair has ruled that a proposed amendment is not germane.

SPEAKER MARVEL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Proposed rule change 15 lost with 19 ayes, 21 nays, 7 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 665. By DeCamp, 40th District; Wesely, 26th District; Labedz, 5th District; Kilgarin, 7th District.
This bill introduced on behalf of: All American Citizens.

A BILL FOR AN ACT relating to income taxes; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943; to permit a portion of income tax returns to be designated for the United States Olympic Committee; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 666. By DeCamp, 40th District; Wiitala, 31st District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to adopt the Uniform Condominium Act; to amend section 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, and 76-823, Reissue Revised Statutes of Nebraska, 1943, and section 31-735, Revised Statutes Supplement, 1981; to harmonize provisions relating to condominiums; and to repeal the original sections.

LEGISLATIVE BILL 667. By Von Minden, 17th District.
This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend section 68-115, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to change provisions relating to the definition of legal settlement; and to repeal the original section.

LEGISLATIVE BILL 668. By Barrett, 39th District; R. Peterson, 21st District; Remmers, 1st District; Sieck, 24th District; Schmit, 23rd District.

This bill introduced on behalf of: Rural Nebraskans.

A BILL FOR AN ACT to adopt the Nebraska Right to Farm Act.

LEGISLATIVE BILL 669. By Public Works Committee: Kremer, 34th District, Chairperson; Lamb, 43rd District; Clark, 47th District; Koch, 12th District; DeCamp, 40th District; Wesely, 26th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to boundary lines between South Dakota, Iowa, Missouri, and Nebraska; to provide for the Nebraska Boundary Commission; to provide duties and powers; to provide when such compact shall become binding; to repeal an existing compact, to repeal Laws 1959, Chapter 267; and to declare an emergency.

LEGISLATIVE BILL 670. By Kremer, 34th District.
This bill introduced on behalf of: Nebraska Association of Resource Districts.

A BILL FOR AN ACT to amend sections 46-603, 46-661, and 46-662, Reissue Revised Statutes of Nebraska, 1943, section 46-660, Revised Statutes Supplement, 1980, and sections 46-602, 46-659, and 46-666, Revised Statutes Supplement, 1981, relating to ground water; to change provisions relating to the issuance and fees of certain well permits in control areas; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. By Fenger, 45th District.
This bill introduced on behalf of: Property owners of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska, by adding a new section 13 thereto, relating to revenue; to restrict the tax rate on property to a percentage of its value; to permit changes to such restriction; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 672. By Goodrich, 20th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 12, of the Constitution of Nebraska, relating to revenue; to change certain finance provisions relating to the redevelopment of substandard or blighted property; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 673. By Marsh, 29th District.
This bill introduced on behalf of: Department of Motor Vehicles.

A BILL FOR AN ACT to amend section 60-412, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase a fee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 674. By Schmit, 23rd District.
This bill introduced on behalf of: Executive Board.

A BILL FOR AN ACT to establish the position of Ombudsman for Corrections as prescribed; to amend section 81-8,244, Reissue Revised Statutes of Nebraska, 1943; to eliminate the position of deputy public counsel for corrections; and to repeal the original section.

LEGISLATIVE BILL 675. By Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wagner, 41st District; Remmers, 1st District; Nichol, 48th District; Burrows, 30th District.
This bill introduced on behalf of: Secretary of State.

A BILL FOR AN ACT to amend sections 54-169 and 54-415, Revised Statutes Supplement, 1980, and sections 54-101 and 54-115, Revised Statutes Supplement, 1981, relating to livestock; to provide a definition; to change provisions relating to branded animals; to provide certain exceptions to brand requirements; to change certain provisions relating to the sale of estrays; and to repeal the original sections.

LEGISLATIVE BILL 676. By Beutler, 28th District; Labedz, 5th District; Beyer, 3rd District.
This bill introduced on behalf of: Taxpayers of Lancaster, Douglas, and Sarpy Counties.

A BILL FOR AN ACT relating to probation officers; to amend sections 29-2246 and 29-2253, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2252, 43-2,113, and 43-2,123, Revised Statutes Supplement, 1981; to define a term; to provide for the transfer of separate juvenile court probation positions to the Field Probation Service; to provide duties; to provide operative dates; and to repeal the original sections, and also section 29-2255, Reissue Revised Statutes of Nebraska, 1943.

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused Thursday, January 7, 1982.No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 131	Tuesday, January 12, 1982	1:00 p.m.
LB 287	Tuesday, January 12, 1982	1:00 p.m.
LB 458	Tuesday, January 12, 1982	1:00 p.m.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added to LB 192. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 202.

Introduced by DeCamp, 40th District.

WHEREAS, many allegations as to the merits and demerits of the construction of the Norden Dam Project have been raised by state and federal public officials and the citizenry of Nebraska; and

WHEREAS, the Norden Dam Project is a prominent water issue directly affecting the State of Nebraska and its citizens and therefore the Nebraska Legislature has the responsibility to gather any and all available information regarding the Project and to make its findings known to the citizens of this State; and

WHEREAS, the Norden Dam Project has involved countless hours of planning, consideration and debate as to its merits and to its development; and

WHEREAS, the Norden Dam Project involves irrigation, groundwater recharge, water storage, environmental, recreational and vast economic impact on the State of Nebraska either positively or negatively.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature direct the appropriate committee or committees to conduct public hearings to take testimony and receive evidence and other information presented as to the merits or demerits of the Norden Dam Project; and

2. That the Committee shall make a report and submit its findings and recommendations to the Legislature and that such findings and recommendations be made available to the public; and

3. That the Legislature determine by a vote after studying the issue whether the Norden Dam Project is beneficial or detrimental to the State of Nebraska and its citizens, and that the Legislature act to see its decision is implemented through whatever measures are appropriate at both the state and federal level.

Referred to the Executive Board.

UNANIMOUS CONSENT - Refer LR 202

Mr. DeCamp asked unanimous consent to refer LR 202 to Reference Committee so as to refer the Resolution for a public hearing. No objections. So ordered.

MOTION - Proposed Rule Change

The Rules Committee offered the following proposed rule changes to the permanent rules:

(16)

APPROPRIATIONS PROCESS

Amend the rules to add the following new rule:

NEW RULE 8

Sec. 1. The purpose of this Rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. The report required in Sec. 2 of this Rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Based upon the Appropriations Committee's report, the Legislature shall adopt a resolution which specifically recommends a maximum General Fund appropriation for each year of the following biennium. The Legislature shall consider such resolution no less than three legislative days after the Appropriations Committee report is distributed to members of the Legislature and the resolution is printed in the Legislative Journal. Any adoption of the resolution or amendment to the resolution which increases or decreases the maximum General Fund appropriation recommendation made under Section 2 of this Rule shall require twenty-five votes for adoption.

Sec. 5. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriation bills as reported to General File by the Appropriations Committee. All "A" bills which appropriate General Funds, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Such appropriation bills proposed by the Appropriations Committee, plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Proposed rule change 16 pending.

REFERENCE COMMITTEE REPORT

LB	**Committee**
563	General File
564	General File
565	General File
566	General File
567	Judiciary
568	Judiciary
569	Judiciary
571	Judiciary
573	Public Works
574	Urban Affairs

575	Public Works
576	Constitutional Revision and Recreation
577	Constitutional Revision and Recreation
578	Education
579	Public Works
580	Constitutional Revision and Recreation
581	Revenue
582	Revenue
583	Constitutional Revision and Recreation
584	Miscellaneous Subjects
585	Government, Military and Veterans Affairs
586	Banking, Commerce and Insurance
587	Education
588	Constitutional Revision and Recreation
589	Banking, Commerce and Insurance
590	Judiciary
591	Revenue
594	Government, Military and Veterans Affairs
595	Banking, Commerce and Insurance
596	Revenue
597	Judiciary
598	Banking, Commerce and Insurance
599	Business and Labor
600	Public Works
601	Government, Military and Veterans Affairs
602	Public Health and Welfare
603	Judiciary
604	Appropriations
604A	Appropriations
605	Micellaneous Subjects
606	Public Health and Welfare
607	Education
608	Public Works
609	Nebraska Retirement Systems
610	Business and Labor
611	Public Works
612	Judiciary
613	Public Works
614	Revenue
615	Business and Labor
616	Miscellaneous Subjects
617	Business and Labor

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 677. By Pirsch, 10th District.
This bill introduced on behalf of: Douglas County Election Commissioner.

A BILL FOR AN ACT to amend section 25-1606, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change provisions relating to jury summons; and to repeal the original section.

ADJOURNMENT

At 4:31 p.m., on a motion by Mr. Duda, the Legislature adjourned until 9:00 a.m., Thursday, January 7, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 7, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 7, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson and Koch who were excused; and Mesdames Marsh, Pirsch, Messrs. Beutler, Chambers, Dworak, Hoagland, Newell, R. Peterson, Schmit, Sieck, Stoney, and Wagner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report on the referral of legislative bills 570, 572, 592 and 593.

LB	**Committee**
570	Revenue
572	Revenue
592	General File
593	Agriculture and Environment

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

MOTION - Adopt Rules

Mr. Wesely moved that the Rules in effect on the 90th Legislative Day of the 87th Legislature, 1st Session, except for Rule 2, Section 2, be adopted for today only, January 7, 1982.

The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 212A. By V. Johnson, 8th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 678. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 89-193, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to change provisions relating to delivery tickets; and to repeal the original section.

MOTION - Proposed Rule Change

The Rules Committee offered the following proposed rule change to the permanent rules:

(17)

VACANCIES

Amend Rule 1, Sec. 1 by adding a new subsection (b);

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice-Chairperson shall serve as "acting chairperson" upon the resignation or death of the chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the Floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, said position shall remain vacant until the next regular session of the Legislature convenes, at which time a Speaker shall be nominated from the Floor and elected by secret ballot for the balance of the original term.

(iii) In the event there is a vacancy of the Vice-Chairpersonship of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7 (c).

(iv) A vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

Amend Rule 3, Sec. 2 by adding a new subsection (d):

(d) All vacancies during session or the interim on Standing and Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. Vacancies on the Committee on Committees shall be filled as established by Rule 3, Sec. 2(a).

Mr. Lamb offered the following amendment to the rule change 17:
Amend Rule 1, Sec. 1

(ii) Upon the resignation or death of the Speaker during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the Floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the Floor and elected by secret ballot for the balance of the term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to appoval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Mr. Wesely requested a division of the question on the Lamb amendment.

The Chair sustained the division of the question.

The first Lamb amendment is as follows:

(ii) Upon the resignation or death of the Speaker during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the Floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the Floor and elected by secret ballot for the balance of the term.

The first Lamb amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

The second Lamb amendment is as follows:

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to appoval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

The second Lamb amendment was adopted with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Lamb offered the following amendment to proposed rule change 17:

Amend Rule 3, Sec. 2 by adding a new subsection (d):

(d) During session, all vacancies on Standing or Select committees created by the death or resignation of a members shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Sec. 2.

During the interim, all vacancies on Standing or Select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

The Lamb amendment was adopted with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

Proposed rule change 17, as amended, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Proposed rule change 16 found in the First Day's Journal on page 128 was reoffered.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment to proposed rule change 16:
Amend Rule 8, Sec. 5 to read as follows:

Sec. 5. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund binennium appropriation provided for in Sec. 4 of this Rule which shall be allocated for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations Committee. All "A" bills which appropriate General Funds, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills shall not be read on final reading until the appropriation bills are passed by the Legislature. Provided the Appropriation Committee shall place appropriation bills on General File no later than the 70th Legislative Day in a 90 day session and the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor. The appropriation bills shall be passed no later than the 80th Legislative Day in a 90 day session and the 50th Legislative day in a 60 day session. Such appropriation bills proposed by the Appropriations Committee plus the allocation for the funding of "A" bills, all bills resulting in the reduction of revenue to the General Fund, and all tax expenditure bills, shall not be in excess of the maximum General Fund appropriation adopted by resolution pursuant to Sec. 4 of this Rule. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

The Wesely amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Proposed rule change 16, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 679. By Wesely, 26th District; Labedz, 5th District; DeCamp, 40th District; Kilgarin, 7th District; Rumery, 42nd

District; Higgins, 9th District; Haberman, 44th District; Barrett, 39th District; Nichol, 48th District; Stoney, 4th District; Remmers, 1st District; Kahle, 37th District; Hefner, 19th District; Koch, 12th District; L. Johnson, 15th District; H. Peterson, 35th District; Chronister, 18th District.

This bill introduced on behalf of: Nebraska Grandparents and Grandchildren.

A BILL FOR AN ACT relating to infants; to provide visitation rights as prescribed.

LEGISLATIVE BILL 680. By Cope, 36th District.
This bill introduced on behalf of: Outraged farmers.

A BILL FOR AN ACT to amend section 37-501, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to change provisions relating to certain offenses against game and birds; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 681. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Haberman, 44th District; Kilgarin, 7th District; Landis, 48th District; Goll, 16th District; V. Johnson, 8th District; Chronister, 18th District.
This bill introduced on behalf of: National Guard.

A BILL FOR AN ACT to amend section 55-157.03, Reissue Revised Statutes of Nebraska, 1943, relating to the National Guard; to change provisions relating to incentive payments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 682. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Haberman, 44th District; Landis, 46th District; Chronister, 18th District; Kilgarin, 7th District; Goll, 16th District.
This bill introduced on behalf of: County Officials.

A BILL FOR AN ACT to amend section 11-126, Reissue Revised Statutes of Nebraska, 1943, relating to bonds of public officers and employees; to permit the purchase of blanket bonds for county deputies and employees; and to repeal the original section.

LEGISLATIVE BILL 683. By Beutler, 28th District.
This bill introduced on behalf of: Taxpayers everywhere.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1981, relating to revenue; to change certain income tax provisions; and to repeal the original section.

LEGISLATIVE BILL 684. By Von Minden, 17th District; Hefner, 19th District; Pirsch, 10th District; Stoney, 4th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 7, Eighty-seventh Legislature, First Special Session, 1981, relating to aid to dependent children; to delete the authorization for certain payments; and to repeal the original section.

LEGISLATIVE BILL 685. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Duda, 14th District; Cullan, 49th District; Fenger, 45th District; Newell, 13th District; Barrett, 39th District; Von Minden, 17th District; Beyer, 3rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 5-215 and 5-235, Revised Statutes Supplement, 1981, relating to reapportionment; to change the boundaries of legislative districts 14 and 34 as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 686. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Duda, 14th District; Von Minden, 17th District; Fenger, 45th District; Newell, 13th District; Barrett, 39th District; Beyer, 3rd District; Cullan, 49th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to liquor; to amend sections 53-124, 53-134, 53-135, 53-138.03, and 53-194.01, Reissue Revised Statutes of Nebraska, 1943, and sections 53-125, 53-129, 53-131, and 53-133, Revised Statutes Supplement, 1980; to change certain provisions relating to fees; to change certain provisions relating to granting and renewing licenses; to change procedures; to restrict liquor sales by nonprofit organizations; to restrict participation in certain businesses which have a liquor license; and to repeal the original sections.

SELECT COMMITTEE REPORT
Committee on Committees

The Committee on Committees met on January 6, 1982, and voted for the following change:

Dave Newell	Government, Military and Veterans Affairs
Vard Johnson	Miscellaneous Subjects

Committee vote: Voting Aye - Marsh, Labedz, Beutler, Remmers, Wesely, Koch, Newell, DeCamp, L. Johnson, Kahle, Wagner. Voting Nay - Haberman. Not Voting - Schmit.

(Signed) Shirley Marsh, Chairperson

MOTION - Proposed Rule Change

Mr. DeCamp offered the following proposed rule change:
Amend Rule 7, Section 7(c)(i)
Strike "three-fifth's" and insert "majority of the elected members."

Mr. DeCamp asked unanimous consent to have his amendment withdrawn. No objections. So ordered.

Mr. Lamb offered the following amendment to the rules:

Rule 2, Sec. 1. These rules shall govern the Legislature~~,~~ and shall be adopted at the commencement of each regular session in odd-numbered years to govern for a period of two years. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Wesely and Beutler offered the following amendment to the Lamb amendment:

Rule 2, Sec. 1. These rules shall be adopted at the commencement of each regular session in odd-numbered years and, as amended from time to time, shall govern the Legislature for a period of two years. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

The Wesely-Beutler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The Lamb amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The permanent rules, as amended, were adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARING
Revenue

Governor's Appointments
Donald Leuenberger - Monday, January 11, 1982 1:30 p.m.
State Tax Commissioner

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 8. Laid over.

LEGISLATIVE BILL 176. Mr. Newell requested to have LB 176 passed over.

MOTION - Withdraw LB 169

Mr. Hefner moved to withdraw LB 169 pursuant to Rule 5, Section 12.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Standing Committee amendments, Req. #2097, found in the Journal on page 650 for the Thirtieth Day, First Session, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendments found in the Journal on page 810 and 861, First Session. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Standing Committee amendments found in the Journal on page 673 for the Thirty-Second Day, First Session, were adopted with 29 ayes, 3 nays, 13 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 6 nays, 10 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 274A. Title read. Considered.

Mr. DeCamp offered the following amendment:

On page 2, in lines 1 and 2, strike "forty thousand seven hundred six" and insert "forty three thousand eight hundred seventy seven"; in line 3 strike "1981" and insert "1982"; in line 4 strike "1982" and insert "1983"; in line 9, strike "twenty five thousand" and insert "twenty six thousand three hundred eleven".

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

Speaker Marvel announced because the Legislative rules were changed during the 1981 Session to allow for members to introduce an unlimited number of bills, it becomes necessary to institute some restrictions as to the timing of bill requests to be submitted to the Bill Drafter. This is done so as to ensure that requests by both members and committees can be processed through the drafting office and, hopefully eliminate the situation whereby a large number of bill requests would be submitted to that office right before the cut-off date for bill introductions (10th Legislative Day). In consultation with the Bill Drafter, it has been decided the following procedure will be necessary:

An unlimited number of requests both for members and committees will be honored prior to the end of the fourth (4th) Legislative Day. During the fifth (5th) through the eighth (8th) Legislative Day, each senator and each committee would be entitled to submit one (1) additional bill request to the Bill Drafting Office. All bill requests must be submitted no later than the end of business on the eighth (8th) Legislative Day.

CALENDAR

Speaker Marvel submits the following calendar:

January 6 - Legislature convenes
January 19 - 10th Day - Last day for bill introduction
January 21 - Recess
January 22 - Recess

February 12 - Recess
February 15 - President's Day - Recess
February 19 - 29th Day - Priority Deadline
February 22 - 30th Day - Speaker's Priority Deadline
February 26 - Recess

March 12 - Recess
March 25 - Recess
March 26 - Recess

April 2 - Recess
April 9 - Good Friday - Recess
April 12 - Recess
April 14 - 60th Day - SINE DIE

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

Rerefer LB 570 and 572 from Revenue to Education Committee pursuant to Rule 6, Section 2(a).

Mr. Fowler asked unanimous consent to print the following amendment toLB 387 in the Journal. No objections. So ordered.

1. Insert the following new section:
"Sec. 3. For purposes of subdivision (2) of section 77-3424, new program shall include all contributions by a city of the first class to a retirement system, established pursuant to Chapter 16, article 3, or Chapter 35, article 2, for one calendar year after the effective date of this act.".

2. Renumber section 3 as section 4.

Mr. Warner asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments,
White Copy REQ 2097)

1. On page 1, strike lines 15 through 23 and insert the following new subsection:

"(3) Retail customers in a district's service area who also legally reside in such service area and who would not be permitted to vote due to not living within the chartered territory shall be certified as entitled to vote by the district. The district shall certify to the Secretary of State the names of all such retail customers in the affected precincts along with the names of the voting or election precincts wherein such retail customers reside and such retail customers shall be qualified electors if otherwise qualified to vote."

2. "Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Landis asked unanimous consent to print the following amendment to LB 180 in the Journal. No objections. So ordered.

PURPOSE: To update the operative date.
AMENDMENT:

On page 14, line 17, strike "1982" and insert "1983", and on page 32, line 7, strike "1982" and insert "1983".

Mr. Landis asked unanimous consent to print the following amendment to LB 180A in the Journal. No objections. So ordered.

PURPOSE: To update the appropriation year and to assign an agency number and budget program title.
AMENDMENT:

On page 2, line 3, strike "January" and insert "July"; in line 4, strike the second "1982" and insert "1983" and strike "the" and insert "Agency 76,"; and in line 5, after "163" insert "Forensic Medical Examiner Advisory Board".

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 687. By Haberman, 44th District; Nichol, 48th District; Kahle, 37th District; Von Minden, 17th District. This bill introduced on behalf of: Nebraska Association of County Officials.

A BILL FOR AN ACT to amend section 49-1493, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Political Accountability and Disclosure Act; to change certain provisions relating to financial interest statements; and to repeal the original section.

LEGISLATIVE BILL 688. By Fowler, 27th District; Landis, 46th District; Wesely, 26th District.
This bill introduced on behalf of: Citizens of Lincoln.

A BILL FOR AN ACT to amend section 79-902.01, Revised Statutes Supplement, 1981, relating to schools; to change certain provisions relating to board of education elections; and to repeal the original section.

LEGISLATIVE BILL 689. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Duda, 14th District; Von Minden, 17th District; Beyer, 3rd District; Fenger, 45th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to political accountability and disclosure; to revive certain campaign practices and conflict of interest provisions; to remove certain provisions relating to political accountability and disclosure; to provide an operative date; and to repeal Laws 1976, LB 987, section 141, sections 49-1402, 49-1404 to 49-1408, 49-1411, 49-1412, 49-1414 to 49-1418, 49-1420 to 49-1426, 49-1428 to 49-1433, 49-1435 to 49-1444, 49-1447, 49-1448, 49-1450, 49-1452, 49-1453, 49-1455, 49-1457, 49-1458, 49-1462, 49-1465 to 49-1468, 49-1470 to 49-1474, 49-1475, 49-1477, 49-1478, 49-1481, 49-1482, 49-1484 to 49-1486, 49-1488, 49-1489, 49-1492 to 49-1495, 49-1497, 49-1498, 49-14,100 to 49-14,104, 49-14,107, 49-14,108, 49-14,113 to 49-14,119, 49-14,122, 49-14,124, 49-14,127, 49-14,128, 49-14,130, 49-14,131, and 49-14,134 to 49-14,138, Reissue Revised Statutes of Nebraska, 1943, sections 49-1409, 49-1410, 49-1413, 49-1419, 49-1427, 49-1434, 49-1445, 49-1446, 49-1449, 49-1451, 49-1454, 49-1459 to 49-1461, 49-1463, 49-1464, 49-1469, 49-1474.01, 49-1479, 49-1480, 49-1483, 49-1483.01, 49-1491, 49-1496, 49-14,105, 49-14,106, 49-14,109 to 49-14,112, 49-14,121, and 49-14,129, Revised Statutes Supplement, 1980, and sections 49-1401, 49-1403, 49-1446.01 to 49-1446.03, 49-1456, 49-1490, 49-1499, 49-14,120, 49-14,123, 49-14,125, 49-14,126, 49-14,132, and 49-14,133, Revised Statutes Supplement, 1981.

GENERAL FILE

LEGISLATIVE BILL 359. Passed over.

LEGISLATIVE BILL 413. Title read. Considered.

Standing Committee amendment found in the Journal on page 694 for the Thirty-Third Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Fowler and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays, 24 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
DeCamp
Dworak
Fowler
Goll
Haberman
Johnson, L.
Kilgarin
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Schmit
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 13:

Apking
Beyer
Cope
Duda
Fenger
Hefner
Hoagland
Kahle
Labedz
Peterson, R.
Rumery
Sieck
Von Minden

Present and not voting, 3:

Goodrich
Higgins
Remmers

Excused and not voting, 5:

Johnson, V.
Koch
Lamb
Stoney
Warner

Absent and not voting, 3:

Cullan
Kremer
Peterson, H.

Advanced to E & R for Review with 25 ayes, 13 nays, 3 present and not voting, 5 excused and not voting, and 3 absent and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Messrs. Newell, Hoagland, and Landis asked unanimous consent to print the following amendment to LB 359 in the Journal. No objections. So ordered.

Req. #2501

1. Strike the committee amendments.

2. Strike original section 1 and insert the following new sections:

"Section 1. That section 31-735, Revised Statutes Supplement, 1981, be amended to read as follows:

31-735. On the first Tuesday after the second Monday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district, and on the first Tuesday after the second Monday in September each two years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees of five in number shall be elected. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. ~~The term of office of an elected trustee on July 10, 1976, and a trustee appointed to fill the unexpired term of such elected trustee, shall be extended to the first Tuesday in September immediately following the date on which such term would otherwise have expired.~~ Any person desiring to file for office of trustee may file for such office with the county clerk, or election commissioner in counties having election commissioners, of the county in which the greater proportion in area of the district is located, not later than thirty days before the election. No filing fee shall be required. A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether he or she is a candidate for election by the resident owners of such district or whether he or she is a candidate for election by all of the owners of real estate located in the district. The name of such candidate shall appear on only one ballot. The name of a person may be written in and voted for as a candidate for the office of trustee, and such write-in candidate may be elected to the office of trustee. Such trustees shall be owners of real estate located in the district. The election shall be conducted at a location or place selected by the election commissioner or the county clerk in counties having no election commissioner, but situated within the boundaries of the district unless there is no building within the district or all of the owners in the district shall consent to an election outside the district, except that in any district having ten or less total owners, or in any districts where there are no resident owners, the election shall be held in such place in the county as the election commissioner shall designate. ~~and the~~ The polling place shall remain open to the voters for not less than four consecutive hours between 8:00 a.m. and 8:00 p.m. of the date of election. Notice of the time and place of the election shall be mailed by the ~~clerk of the district at least forty five~~ election commissioner or the county clerk in counties having no election commissioner not later than ten days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the ~~board of trustees~~ election commissioner or county clerk, which shall be not more than sixty-five days prior to the election. ~~Notice of the time and place of the election shall also be mailed by the clerk of the district to the county clerk or election commissioner at least forty five days prior to the election.~~ Persons whose ownership or right to vote becomes of record or is received after such date may vote upon establishing their right to vote to the satisfaction of the election board. Such notice shall state the time, place, and purpose of the election. At the first election and at the election held two years after the first election, any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she may own in the district. At the election held four years after the first election of trustees, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land, or fraction thereof, and for each platted lot owned within the district for a candidate for each office of trustee to be filled by election of all property owners. For each office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she owns in the district. At the election held eight years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this section, except that, if more than fifty per cent of the homes in any sanitary and improvement district are used as a second, seasonal, or recreational residence, the owners of such property shall be considered legal property owners resident within such district for purposes of electing trustees, and at the election held six years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this section. If there are not any legal property owners resident within such district the five members shall be elected by the legal property owners of all property within such district as provided in this section. Any corporation, public, private, or municipal, owning any land or lot in the district, may vote at such election the same as an individual. For purposes of voting for trustees, each condominium apartment under a condominium property regime established under the Condominium Property Act shall be deemed to be a platted lot and the lessee, or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees. Should two or more persons or officials claim the right to vote on the same tract, the election board shall determine the party entitled to vote. Such board shall select one of their number chairperson and one of their number clerk. In case of a vacancy on said board the remaining trustees shall fill the vacancy on said board until the next election.

Sec. 2. That section 31-735.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-735.01. At any election held to elect trustees of a sanitary and improvement district, the ballots shall be received, counted, and canvassed by an election board of two persons appointed by the election commissioner or the county clerk in counties having no election commissioner. The election board members shall be paid the same hourly compensation for each hour worked as provided in section 32-210.01 for judges and clerks of election, as such rate may from time to time be adjusted by the Legislature. ~~, by the district, three dollars per hour for each hour worked. The district shall furnish ballots for the election, and such ballots shall be in form approved by the election commissioner or county clerk.~~

Sec. 4. Not later than June first of each year the election commissioner or county clerk shall determine the number of sanitary and improvement districts in the county required to hold elections in such year and certify to the clerk of each such district on or before July first of such year an estimate of the total expense to be incurred by the election commissioner or county clerk in conducting the election for each such district in such year. The estimate shall include all direct expenses such as the cost of procuring a list of the property owners of record in each such district, printing and mailing notices of the elections to such property owners, printing and preparing ballots, paying compensation and mileage for the election boards conducting such elections, and also indirect expenses, such as the pro rata amount of any additional clerical expense or other miscellaneous expenses to be incurred by the election commissioner or county clerk in conducting all of such elections to be held in such calendar year. Within sixty days after the elections have been held, each district shall be charged and billed for all of the actual expenses incurred by the election commissioner or county clerk directly attributable to such district, and each district shall be charged and billed its pro rata share of all indirect expenses incurred by the election commissioner or county clerk in conducting the district elections for such year, with proration of such indirect expenses among districts to be made on a percentage ratio equivalent to the same ratio which the actual valuation of all taxable property in each district on May first of that year bears to the total actual valuation of all taxable property in all of such districts holding elections in such year. Payment of the total amount billed to the district shall be made by the district to the election commissioner or county clerk within sixty days after receipt of such billing.".

3. On page 7, strike beginning with "The" in line 3 through line 11 and show the old matter as stricken; in line 12 strike "31-735" and insert "31-735.01"; and in line 14 before "are" insert "and section 31-735, revised Statutes Suplement, 1981,".

4. Renumber original sections 2 and 3 as sections 3 and 5 respectively.

EXPLANATION OF VOTE

Had I been present on the vote to advance LB 413, I would have voted aye.

(Signed) Howard Peterson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 690. By Hefner, 19th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-649, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to change provisions relating to employer contribution rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 691. By DeCamp, 40th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT to adopt the Uniform Determination of Death Act.

LEGISLATIVE BILL 692. By Rumery, 42nd District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 16-695, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to remove a limitation on the issuance of bonds for certain public improvements; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mrs. Marsh asked unanimous consent to be excused this afternoon, Friday, and Monday, January 8 and 9, 1982. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to add her name to LB 643. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Lamb's son, daughter-in-law, and grandson, Dave, Donalee, and Jason Lamb from Anselmo.

RECESS

At 11:59 a.m., on a motion by Mr. Kahle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Koch, and Mrs. Marsh who were excused; and Messrs. Barrett, Burrows, Fowler, Goll, Hoagland, Kremer, lamb, Schmit, Vickers, Warner, and Wiitala who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 693. By Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; V. Johnson, 8th District; Hefner, 19th District; Kahle, 37th District; Burrows, 30th District; Wagner, 41st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide duties for the State Board of Equalization and Assessment; to change provisions relating to meetings of such board; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Urban Affairs

Amendments to LB 359	Wednesday, January 13, 1982	1:15 p.m.

(Signed) Dave Landis, Chairperson

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Lower Elkhorn		
Jewell, Otte, Gatz, Collins, Domina	Attorneys	$5,513.15
Lower Republican		
McKelvie & McNally	Attorneys	$106.25
Frenchman-Cambridge Irrigation District	Public Relations	$5,000.00

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 127. Placed on General File.

(Signed) Martin Kahle, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 203.

Introduced by Landis, 46th District; Chambers, 11th District.

WHEREAS, January 15 is the birthdate of the Reverend Martin Luther King, Jr.; and

WHEREAS, the Reverend Martin Luther King, Jr. has been recognized by all people of the world as having made great contributions toward the promotion of equality of man and the furtherance of peace; and

WHEREAS, the Reverend Martin Luther King, Jr. dedicated his life to working toward equality for people; and

WHEREAS, the Reverend Martin Luther King, Jr., at all personal costs, was determined to eliminate social injustices by means of nonviolent protests and peaceful demonstrations; and

WHEREAS, pursuant to his dedication to this cause the Reverend Martin Luther King, Jr. was awarded the Nobel Peace Prize; and

WHEREAS, the Reverend Martin Luther King, Jr. through his lobbying efforts, was instrumental in the passage of both the 1964 Civil Rights Act and the 1965 Voting Rights Act; and

WHEREAS, the Reverend Martin Luther King, Jr.'s courageous life and his commitment to racial and social equality is a humbling example for all people of the greatness of the human spirit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature hereby recognizes and commends the contributions made by the Reverend Martin Luther King, Jr. to this nation and to the world.
2. That the Legislature pays tribute to the memory of the Reverend Martin Luther King, Jr. on the anniversary of his birth by recognizing the observance of January 15, 1982 as Martin Luther King, Jr. Day.
3. That the Legislature urges citizens of this state to observe Martin Luther King, Jr. Day on January 15, 1982, pursuant to the Governor's proclamation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 32. Title read. Considered.

Standing Committee amendments found in the Journal on page 694 for the Thirty-Third Day, First Session, were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Nichol offered the following amendment to the Standing Committee amendments:

1. Page 2, line 15, strike beginning with "as,described" through "officials" in line 16 and insert the following:

"in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles"

The Nichol amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 118.

The Vickers amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
Amend §5, line 14, after the word "shall" insert "if the owner was convicted of an offense under this act."

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

MR. KAHLE PRESIDING

Advanced to E & R for Review with 27 ayes, 7 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 32A. Title read. Considered.

Mr. H. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Failed to advance to E & R for Review with 19 ayes, 17 nays, 7 present and not voting, and 6 excused and not voting.

Mrs. Apking asked unanimous consent to be excused. No objections. So ordered.

SPEAKER MARVEL PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 694. By Kremer, 34th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1981, relating to rules of the road; to provide exceptions to width requirements on certain vehicles; and to repeal the original section.

LEGISLATIVE BILL 695. By Burrows, 30th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to provide for a five per cent tax on interest and dividends derived from intangible property; to define terms; to prescribe duties for the Tax Commissioner; to provide for administration and collection; to provide for the use of the revenue from such tax; to state intent; and to provide an operative date.

LEGISLATIVE BILL 696. By Wagner, 41st District.
This bill introduced on behalf of: Nebraska Veterans.

A BILL FOR AN ACT to amend section 80-111, Reissue Revised Statutes of Nebraska, 1943, relating to veterans' aid; to transfer assets of an obsolete fund; and to repeal the original section.

LEGISLATIVE BILL 697. By Lamb, 43rd District.
This bill introduced on behalf of: Energy Conservations.

A BILL FOR AN ACT to amend section 2-960, Reissue Revised Statutes of Nebraska, 1943, relating to noxious weeds; to change provisions relating to protests of charges made by control authorities; to provide that hearings may be conducted by a designated representative of the director; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 472A in the Journal. No objections. So ordered.

(Final Reading Second)

1. On page 3 strike beginning with "the" in line 26 through line 27 and insert "each private, denominational, or parochial school shall be required

to demonstrate to the State Department of Education:

(1) That each enrolled child is receiving regular instruction;

(2) That the instruction is from a structured curriculum or course of study; and

(3) That each enrolled child is appropriately proficient in basic disciplines of learning.

The State Department of Education shall determine such proficiency by regular proficiency examinations to be given to students of such private, denominational, or parochial schools at the third, sixth, ninth, and twelfth grade levels. Such proficiency examinations shall be conducted by the State Department of Education.

Any proficiency examination results which fall below a predetermined attainment level as set by the State Department of Education shall be forwarded to the Attorney General, who shall have the authority to issue cease and desist orders to the schools enrolling students whose proficiency examination results fall below the predetermined attainment level.

2. On page 4, strike lines 1 through 6.
3. Strike original section 4.
4. Renumber original section 5 as section 4.
5. In the title in lines 5 and 6 strike "to provide for termination;".

ANNOUNCEMENT

Mr. Barrett announced that Mr. Wiitala is appointed Chairperson to Business and Labor Committee.

NOTICE OF COMMITTEE HEARINGS

Public Works

LB 575	Friday, January 15, 1982	1:30 p.m.
LB 579	Friday, January 15, 1982	1:30 p.m.
LB 600	Friday, January 15, 1982	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 215. Title read. Considered.

Standing Committee amendment found in the Journal on page 695 for the Thirty-Third Day, First Session, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

LEGISLATIVE BILL 347. Title read. Considered.

Standing Committee amendments found in the Journal on page 695 for the Thirty-Third Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:

(1)

Strike section 8.

Mr. Beutler moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

The Beutler amendment (1) was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

(2)

1. On page 11, line 13 strike the new matter and reinstate the stricken matter; in line 14 strike "felony" and insert "if the offense is committed negligently"; after line 14 insert "(4) child abuse is a Class IV felony if the offense is committed knowingly and intentionally."; and in line 15 strike "(4)" and insert "(5)" and after "under" insert "subsection (4) of."

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment (2) was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 698. By Fowler, 27th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 19-3909.01, Revised Statutes Supplement, 1980, relating to the Nebraska Public Transportation Act of 1975; to change an amount which may be transferred to a fund as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 699. By Fowler, 27th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to the General Fund; to amend section 66-421, Reissue Revised Statutes of Nebraska, 1943, sections 66-473, 66-479, and 81-1253, Revised Statutes Supplement, 1980, and sections 74-1321 and 81-1558, Revised Statutes Supplement, 1981; to provide for a transfer of certain funds; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 700. By Landis, 46th District; Wesely, 26th District.
This bill introduced on behalf of: Equity and Fairness.

A BILL FOR AN ACT to amend section 2-3214, Reissue Revised Statutes of Nebraska, 1943, and section 2-3218, Revised Statutes Supplement, 1981, relating to natural resource districts; to change provisions relating to elections of a district's board of directors; to change provisions relating to directors' compensation; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 701. By Pirsch, 10th District.
This bill introduced on behalf of: Douglas County Election Commissioner.

A BILL FOR AN ACT to amend section 14-204, Revised Statutes Supplement, 1980, relating to elections; to provide filing requirements; to impose a fee; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	**Committee**
618	Judiciary
619	Agriculture and Environment
620	Judiciary
621	Banking, Commerce and Insurance
622	Revenue

623	Banking, Commerce and Insurance
624	Government, Military and Veterans Affairs
625	Judiciary
626	Banking, Commerce and Insurance
627	Constitutional Revision and Recreation
628	Education
629	Miscellaneous Subjects
630	Revenue
632	Appropriations
633	Public Works
634	Constitutional Revision and Recreation
635	Public Health and Welfare
636	Urban Affairs
637	Business and Labor
638	Miscellaneous Subjects
639	Government, Military and Veterans Affairs
640	Business and Labor
641	Education
642	Education
643	Miscellaneous Subjects
644	Public Works
645	Public Works
646	Banking, Commerce and Insurance
647	Government, Military and Veterans Affairs
648	Agriculture and Environment
649	Administrative Rules and Regulations
650	Education
651	Education
652	Education
653	Education
654	Education
655	Public Works
656	Revenue
657	Appropriations
658	Banking, Commerce and Insurance
659	Business and Labor
660	Public Works
661	Public Works
662	Government, Military and Veterans Affairs
663	Revenue
664	General File
665	Revenue
666	Banking, Commerce and Insurance
667	Public Health and Welfare
668	Agriculture and Environment

669	Public Works
670	Public Works
671	Constitutional Revision and Recreation
672	Constitutional Revision and Recreation
673	Public Works
674	Judiciary
675	Agriculture and Environment
676	Judiciary
677	Judiciary
LR 198	Constitutional Revision and Recreation
678	Agriculture and Environment
212A	General File
679	Judiciary
680	Constitutional Revision and Recreation
681	Government, Military and Veterans Affairs
682	Government, Military and Veterans Affairs
683	Revenue
684	Public Health and Welfare
685	Miscellaneous Subjects
686	Miscellaneous Subjects
687	Miscellaneous Subjects
688	Education
689	Miscellaneous Subjects
690	Business and Labor
691	Judiciary
692	Urban Affairs

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

VISITORS

Visitor to the Chamber was Senator Jake Garn of the U.S. Senate.

ADJOURNMENT

At 4:07 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Friday, January 8, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 8, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 8, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Koch and Mrs. Marsh who were excused; and Miss Kilgarin, Mrs. Pirsch, Messrs. Carsten, Chambers, Cullan, Haberman, V. Johnson, R. Peterson, Schmit, Von Minden, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 136, strike line 14 and insert ''amendments to the appropriation bills as reported to General File by the Appropriations Committee. All ''A'' bills which''.

Page 156, line 28, strike ''appointed Chairperson'' and insert ''elected Vice Chairperson''.

Page 160, line 31, add as a visitor, Senator Edward Zorinsky, U. S. Senator.

The Journal for the Second Day was approved as corrected.

REPORT

Received letter from Department of Health with recommendations of additional equipment needed pursuant to section 72-5831, R.S. Supp. 1980.

ATTORNEY GENERAL'S OPINION

Opinion No. 169
January 6, 1982

Re: Mandatory Jail Sentences

Dear Senator Haberman:

You have requested several opinions from this office concerning various questions you have with reference to legislation which would impose mandatory jail sentences for conviction of driving while under the influence of intoxicating liquor. Specifically, you have asked the following:

1. Are there any constitutional difficulties with mandatory jail sentences for a conviction of driving while under the influence of intoxicating liquor?
2. Under Neb.Rev.Stat. §39-669.07 (1980 Supp.), which mandates a one year revocation of an individual's operator's license for second and third offense, if the court grants probation, will the revocation be put into effect?
3. If a mandatory jail sentence is imposed, may a judge place an individual on probation once the mandatory jail sentence has been served?

In response to question 1, it is clear that the Legislature is vested with the power to define crimes and to affix penalties for those crimes within constitutional limits. We do not perceive any constitutional infirmities with imposing a mandatory jail sentence for the offense of driving while under the influence of intoxicating liquor, with the caveat that the sentence imposed should not be cruel and unusual. "It has been held that while a constitutional provision prohibiting 'cruel and unusual punishment' was intended to prohibit torture and agonizing punishment, it was never intended to abridge the selection by the lawmaking power of such kind of punishment as it deemed most effective in the suppression of crime." State v. Tucker, 183 Neb. 577, 162 N.W.2d 774 (1968).

Questions 2 and 3 are related in that both deal with the situation in which a court suspends a sentence and places an individual on probation. It is important to note that in the event a person is placed on probation, that individual is then subject to the terms and conditions of §29-2262 (Reissue 1979), which sets out the various conditions of probation, it is clear that the court may impose a period of confinement in the county jail not to exceed 90 days. Further, under the broad provisions of subsection 1 of §29-2262, the court may impose "such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law abiding life." This would necessarily include a condition of probation that an individual would be prohibited from operating a motor vehicle during his period of probation.

The ability of a court to impose, as a condition of probation, the restriction that an individual be prohibited from operating a motor vehicle is to be distinguished from a period of "revocation" ordered by a court as part of a sentence. Neb.Rev.Stat. §60-421 (Reissue 1979) provides in part that:

> Whenever any person is convicted of any offense for which this act or Chapter 39, article 7 authorizes the revocation or suspension of the motor vehicle operator's license, the court in which such conviction is had, shall, if revocation or suspension is adjudged, require the surrender to it of all operator's licenses then held by the person so convicted. The court shall thereupon forward the same together with the action and findings of the court, . . . to the director.

Therefore, in response to question 2, if a court places an individual on probation for a second or third offense, the one year period of revocation to which you refer will not necessarily by imposed. Rather, the court can place whatever restrictions it deems appropriate on the offender. That may include a restriction of the individual's operating privileges, but that decision rests in the discretion of the court. Question 3 is somewhat contradictory. The court may impose period of confinement not to exceed 90 days as a condition of probation. However, if a mandatory jail sentence is imposed as the judgment of conviction, then the court no longer retains the ability to place that individual on probation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ruth Anne E. Galter
Assistant Attorney General

REG:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 585	Friday, January 15, 1982	1:30 p.m.
LB 594	Friday, January 15, 1982	1:30 p.m.

(Signed) Martin Kahle, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 702. By Clark, 47th District.
This bill introduced on behalf of: small loan companies.

A BILL FOR AN ACT to amend sections 45-137 and 45-138, Revised Statutes Supplement, 1980, relating to interest; to change provisions relating to loan charges as prescribed; to harmonize provisions; to change provisions relating to maturity dates and payment schedules; to provide for severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 703. By Kahle, 37th District.
This bill introduced on behalf of: Webster County Hospital.

A BILL FOR AN ACT to amend section 23-343.14, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to change provisions relating to interest on warrants; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Members Excused

Messrs. Goll and Kahle asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Withdraw LB 169

Mr. Hefner renewed his pending motion found in the Journal on page 140 to withdraw LB 169.

The motion prevailed with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

RESOLUTIONS

LEGISLATIVE BILL 199. Read. Considered.

Laid over.

LEGISLATIVE BILL 201. Read. Considered.

Mr. R. Peterson asked unanimous consent to have his name added as co-introducer to LR 201. No objections. So ordered.

LR 201 was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

ANNOUNCEMENT

President Luedtke announced tomorrow is Mr. Duda's birthday.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 704. By Telecommunications Committee: Clark, 47th District, Chairperson; Sieck, 24th District; Chronister, 18th District; Burrows, 30th District; Wagner, 41st District.
This bill introduced on behalf of: ETV.

A BILL FOR AN ACT relating to television; to provide legislative intent; and to require certain programming on community antenna television service.

LEGISLATIVE BILL 705. By Nichol, 48th District.
This bill introduced on behalf of: People.

A BILL FOR AN ACT to amend section 76-711, Revised Statutes Supplement, 1980, relating to judgments; to modify the rate of interest on certain judgments; and to repeal the original section.

LEGISLATIVE BILL 706. By Landis, 46th District.
This bill introduced on behalf of: older neighborhoods.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska, by the addition of a new section 13, relating to revenue; to authorize legislation to abate property taxes on substandard or blighted property; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 707. By Landis, 46th District.
This bill introduced on behalf of: older neighborhoods and small town redevelopment.

A BILL FOR AN ACT to adopt the Community Development Assistance Act; to provide tax credits for businesses providing certain community assistance; to provide duties for the Department of Economic Development and the Tax Commissioner; to amend sections 77-909 and 77-2734, Reissue Revised Statutes of Nebraska, 1943, section 81-1228, Revised Statutes Supplement, 1980, and section 77-2715, Revised Statutes Supplement, 1981; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 708. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to minerals; to provide that geothermal deposits shall be treated as mineral interests; and to define a term.

GENERAL FILE

LEGISLATIVE BILL 347. Considered.

Mr. Beutler offered the following amendment:

1. On page 12, line 9 reinstate the stricken matter, strike ''IV felony'', and insert ''if the offense is committed negligently''; after line 9 insert ''(4) Abuse of an incompetent or disabled person is a Class IV felony if the offense is committed knowingly or intentionally.''; and in line 10 strike ''(4)'' and insert ''(5)'' and after ''under'' insert ''subsection (4) of''.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
Strike section 11.

Miss Kilgarin offered the following amendment to the Chambers amendment:
p.10 line 5 strike ''or recklessly''
p.10 line 8 reinstate stricken language, strike recklessly
p.10 line 12, strike ''or recklessly''
p.10 line 18, strike ''or recklessly.''

The Kilgarin amendment was adopted with 15 ayes, 5 nays, 23 present and not voting, and 6 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

The Chambers amendment, as amended, was adopted with 27 ayes, 9 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 657. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 616	Friday, January 15, 1981	1:30 p.m.
LB 686	Friday, January 15, 1981	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 709. By Beutler, 28th District.
This bill introduced on behalf of: students and parents of Nebraska.

A BILL FOR AN ACT relating to education; to provide for the early transfer of students from high school to an institution of higher education.

GENERAL FILE

LEGISLATIVE BILL 180. Mr. DeCamp requested to have LB 180 passed over.

LEGISLATIVE BILL 180A. Mr. DeCamp requested to have LB 180A passed over.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 465. Title read. Considered.

Mrs. Pirsch renewed her pending amendment found in the Journal on page 89.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Pirsch requested a roll call vote on her amendment.

Voting in the affirmative, 31:

Apking
Beyer
Carsten
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Warner
Wesely

Voting in the negative, 12:

Barrett
Beutler
Burrows
Chambers
DeCamp
Dworak
Fowler
Landis
Schmit
Vickers
Wagner
Wiitala

Present and not voting, 1:

Marvel

Excused and not voting, 5:

Cullan
Haberman
Koch
Marsh
Von Minden

The Pirsch amendment was adopted with 31 ayes, 12 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Messrs. Landis and Wagner moved to refer amended LB 465 to the Judiciary Committee for a public hearing.

Mr. Wagner moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wagner requested a roll call vote on the Landis-Wagner motion.

Voting in the affirmative, 18:

Apking
Beutler
Burrows
Chambers
Clark
DeCamp
Dworak
Fowler
Hoagland
Kilgarin
Landis
Marvel
Schmit
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 21:

Carsten
Cope
Duda
Fenger
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney

Present and not voting, 4:

Barrett
Beyer
Chronister
Sieck

Excused and not voting, 5:

Cullan
Haberman
Koch
Marsh
Von Minden

Absent and not voting, 1:

Goodrich

The motion lost with 18 ayes, 21 nays, 4 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

MR. CLARK PRESIDING

Advanced to E & R for Review with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 607. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 589	Monday, January 18, 1982	1:30 p.m.
LB 646	Monday, January 18, 1982	1:30 p.m.
LB 598	Monday, January 18, 1982	1:30 p.m.
LB 623	Monday, January 18, 1982	1:30 p.m.
LB 595	Tuesday, January 19, 1982	1:30 p.m.
LB 658	Tuesday, January 19, 1982	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

Constitutional Revision and Recreation

LB 583	Friday, January 15, 1982	1:30 p.m.
LB 576	Friday, January 15, 1982	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

Agriculture and Environment Committee

Governor's Appointments - January 15, 1982 1:30 p.m.
Homer Loutzenheiser, Environmental Control Council
Al Wood, Environmental Control Council
Robert Parker, Environmental Control Council
Don Larson, Nebraska Gasohol Committee

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 710. By Wiitala, 31st District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to education; to provide legislative findings; to provide a foreign language assistance program; to create a fund; to provide duties for the State Department of Education; and to provide for termination of the act.

LEGISLATIVE BILL 711. By Nichol, 48th District.
This bill introduced on behalf of: City of Scottsbluff.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1981, relating to the State Fire Marshal; to change provisions relating to the delegation of authority; to provide for reimbursement; and to repeal the original section.

LEGISLATIVE BILL 712. By Fowler, 27th District.
This bill introduced on behalf of: higher education.

A BILL FOR AN ACT to amend sections 77-2602 and 77-2616, Revised Statutes Supplement, 1981, relating to revenue; to change the cigarette tax rate; and to repeal the original sections.

LEGISLATIVE BILL 713. By Schmit, 23rd District.
This bill introduced on behalf of: Nebraska Association of Resource Districts.

A BILL FOR AN ACT to amend sections 2-4202 to 2-4204, 2-4211, 2-4213, 2-4216 to 2-4221, 2-4225, 2-4227, and 2-4235, Revised Statutes Supplement, 1981, relating to agriculture; to change provisions relating to legislative policy; to define and redefine terms; to change provisions relating to the powers, duties, and requirements of the conservation corporation as prescribed; to change provisions relating to the rules and regulations of the conservation corporation; to change provisions relating to the issuance and payment of bonds; and to repeal the original sections.

LEGISLATIVE BILL 714. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to adopt the Foster Care Review Act.

LEGISLATIVE BILL 715. By Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Von Minden, 17th District; Kilgarin, 7th District; Pirsch, 10th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend sections 5-105 and 24-503, Revised Statutes Supplement, 1980, relating to courts; to define county and district court judicial districts; to provide for the number of judges to be appointed; to require designation of presiding judges; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 716. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Von Minden, 17th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.

This bill introduced on behalf of: Nebraska Bar Association.

A BILL FOR AN ACT relating to rules of civil procedure; to provide that the Supreme Court shall promulgate rules of procedure for discovery in civil procedure; to amend section 27-705, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 717. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Von Minden, 17th District; Pirsch, 10th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Crime Committee.

A BILL FOR AN ACT to amend section 81-1429, Revised Statutes Supplement, 1981, relating to law enforcement; to increase a fee; and to repeal the original section.

LEGISLATIVE BILL 718. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Von Minden, 17th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT relating to the Supreme Court; to eliminate general terms of court and certain quorum requirements; and to repeal sections 24-205 and 24-207, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 719. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Von Minden, 17th District; Chronister, 18th District; Kilgarin, 7th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT to amend section 33-103, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change certain provisions relating to fees for proceedings in the Supreme Court; and to repeal the original section.

LEGISLATIVE BILL 720. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Von Minden, 17th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.

This bill introduced on behalf of: Nebraska Bar Association.

A BILL FOR AN ACT to amend section 42-821, Reissue Revised Statutes of Nebraska, 1943, relating to conciliation court; to change certain provisions relating to conciliation proceedings; and to repeal the original section.

LEGISLATIVE BILL 721. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Pirsch, 10th District; Kilgarin, 7th District; Von Minden, 17th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT relating to courts; to provide powers of certain judges; to provide duties; and to repeal sections 24-317 and 24-517.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 722. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Von Minden, 17th District; Beyer, 3rd District; Sieck, 24th District; Kilgarin, 7th District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT relating to appeals; to amend sections 24-342, 29-2301, 29-2302, 29-2303, 29-2305, 29-2306, 29-2308, 29-2315.01, 29-2522, 29-2525, and 29-2528, Reissue Revised Statutes, 1943, and section 25-2912, Revised Statutes Supplement, 1981; to remove certain references to writs of error; to change provisions relating to the preparation of bills of exceptions; to exempt certain persons from the payment of docket fees on appeal; to change provisions relating to notices of appeal; to change provisions relating to transcripts; to require the suspension of sentences while a case is appealed; to require credit against a sentence for time served while a case is on appeal; to require that the date of execution be set after the appeal; to provide duties; to harmonize provisions; and to repeal the original sections, and also sections 29-2304, 29-2309, 29-2310, and 29-2526, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 723. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Sieck, 24th District; Pirsch, 10th District; Von Minden, 17th District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT to amend sections 24-507, 24-508, 24-511, 24-516, 24-519, and 24-701, Reissue Revised Statutes of Nebraska, 1943, and section 24-513, Revised Statutes Supplement, 1981, relating to courts; to provide for clerk magistrates rather than associate county judges; to change duties and authority; to provide for the appointment of county judges pro tempore as prescribed; to harmonize provisions for retirement; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also sections 24-510, 24-513.01, and 24-518, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 724. By Law Enforcement and Justice Advisory Committee: Nichol, 48th District, Chairperson, Pirsch, 10th District; Von Minden, 17th District; Chronister, 18th District; Kilgarin, 7th District; Beyer, 3rd District.
This bill introduced on behalf of: Supreme Court.

A BILL FOR AN ACT relating to courts; to provide for certification of questions of law to the Supreme Court; to provide procedures; to provide for certification of questions of law to certain foreign courts; and to provide for severability.

LEGISLATIVE BILL 725. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Von Minden, 17th District; Chronister, 18th District; Beyer, 3rd District; Sieck, 24th District.
This bill introduced on behalf of: Nebraska Bar Association.

A BILL FOR AN ACT to adopt the Rules of Discovery in Civil Cases Act; to amend section 27-705, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section, and also sections 25-1222.02, and 25-1267.01 to 25-1267.45, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 726. By Vickers, 38th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 46-656 to 46-658 and 46-666, Revised Statutes Supplement, 1981, relating to water; to provide intent; to define a term; to change certain provisions relating to control areas as prescribed; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 264. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 431. Title read. Considered.

Standing Committee amendment found in the Journal on page 781 for the Thirty-Eighth Day, First Session, was considered.

Mr. Hefner offered the following amendment to the Standing Committee amendment:

An amendment to Standing Committee amendment to LB 431.

On line 3 of the Committee amendment, strike "or" and insert "to."

The Hefner amendment was adopted with 21 ayes, 0 nays, 23 present and not voting, and 5 excused and not voting.

Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on Pirsch amendment to LB 465.

I would have voted no on the Landis-Wagner amendment to LB 465.

(Signed) Rex Haberman

ATTORNEY GENERAL'S OPINION

Opinion No. 170
January 7, 1982

Dear Senator Beutler:

This is in reply to your inquiry concerning the authority of a city attorney to collect attorney's fees on civil actions initiated on behalf of city libraries, under the provisions of Neb.Rev.Stat. §25-1801, or any other statute.

In view of the fact that there are specific statutes (Article 2 of Chapter 51) which spell out the method of establishing public libraries, and their powers, it is doubtful that a library could recover attorney's fees under the provisions of a general statute such as §25-1801. Any right to recover such fees would have to be included within the provisions of Article 2, Chapter 51 of the statutes.

With regard to the authority to recover attorney's fees in actions on behalf of library boards we call attention to some well established rules stated by our Supreme Court in Metropolitan Utilities District v. City of Omaha, 171 Neb. 609, that:

> Municipal corporations are purely entities of legislative creation. They do not exist independent of some action of the legislative department of government bringing them into being. All the powers which they can possess are derived from the creator. Unlike natural persons they can exercise no power except such as has been expressly delegated to them, or such as may be inferred from some express delegated power essential to give effect to that power.

That:

> A municipal corporation may exercise only such powers as are expressly granted, those necessarily or fairly implied in or incidental to powers expressly granted and those essential to the declared objects and purposes of a municipality.

And that:

> [L]egislative charters wherein cities are empowered to perform certain acts or functions are construed with a greater degree of strictness than ordinary civil statutes, and the rule in Nebraska is that they shall be strictly construed.

It is quite apparent that libraries are also purely entities of legislative creation and as such possess only those powers which are derived from the Legislature.

In Article 2 of Chapter 51 of the Nebraska statutes the Legislature has granted to cities the power to establish public libraries, and in §51-205 has granted to the library boards the power "to make and adopt such bylaws, rules and regulations" for the government of the library. In §51-214 the Legislature has also granted libraries the power to recover in civil actions in county court "penalties imposed or accruing by any bylaw or regulation of the library boards." Nowhere in Article 2 is there any provision for the recovery of attorney's fees in civil actions brought on a library's behalf.

Since, in Article 2 of Chapter 51, the Legislature has very carefully spelled out the method of creation of public libraries and the authority they shall have, and in doing so has not authorized the recovery of attorney's fees in civil actions initiated on its behalf, it is our conclusion that such fees cannot at this time be recovered.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were Mr. and Mrs. Donald Ankenman, Jr. of Wilsonville; and Regent Robert G. Simmons, Jr.

RECESS

At 11:55 a.m., on a motion by Mr. Rumery, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Koch who were excused; and Messrs. Burrows, Cullan, Haberman, Newell, Schmit, Vickers, Von Minden, Wagner, and Wiitala who were excused until they arrive.

ANNOUNCEMENT

Mr. Warner announced an executive session of the Appropriations Committee on Monday, January 11, 1982 at 8:30 a.m.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Calvin L. Coulter - Nebraska Investment Council

VOTE: Aye: Senators Clark, Duda, Haberman, Landis, Remmers, Schmit, Labedz and DeCamp. (8). Nay: None. Not Voting: None.

(Signed) John W. DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 535. Mr. Warner requested to have LB 535 passed over.

LEGISLATIVE BILL 492. Title read. Considered.

Mr. Kahle offered the following amendment:
Req. #2510

1. Strike the original sections and insert new sections as follows:

"Section 1. The county board of any county may issue and sell the general obligation bonds of such county in such amount as the county board may deem advisable for paying the costs of constructing, improving, reconstructing, and repairing bridges and bridge related roadway improvements upon public roads within or adjacent to such county. Such bonds shall bear interest at a rate or rates set by the county board and shall mature at such time or times as shall be set by the county board. No such bonds shall be issued until a proposition for their issuance shall have been submitted to the voters of such county at a general or special election called for such purpose and approved by a majority of the voters voting at such election. Such election may be called either by resolution of the county board or upon a petition submitted to the county board calling for an election. Such petition shall be signed by the legal voters of the county equal in number to ten per cent of the number of votes cast in the county for the office of Governor at the most recent election at which the Governor was elected. Notice of any such election shall be given in the manner required for county election notices in section 23-126.

Sec. 2. In any county which has issued bonds pursuant to section 1 of this act, the county board shall levy annually upon all the taxable property in such county a tax sufficient to pay the interest and principal of such bonds as the same fall due.".

Mr. Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Kahle amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

MOTION - Withdraw LB 258A

Mr. Hefner renewed his pending motion found in the Journal on page 1067, First Session, to withdraw LB 258A.

The motion prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 403. Title read. Considered.

Standing Committee amendments found in the Journal on page 874 for the Forty-Second Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 229. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 727. By Stoney, 4th District.
This bill introduced on behalf of: Board of Directors - Regency Homes Association; Board of Trustees - SID #188 Douglas County.

A BILL FOR AN ACT to amend section 31-763, Reissue Revised Statutes of Nebraska, 1943, relating to sanitary and improvement districts; to provide for continuation of a district after annexation as prescibed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 728. By Clark, 47th District.
This bill introduced on behalf of: Warehousing.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions relating to licensed and bonded storage areas and warehouses; to repeal a tax exemption of certain personal property; to amend section 77-2706, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; and to repeal the original section, and also sections 77-1225, 77-1226.02 to 77-1226.04, and 77-1227, Reissue Revised Statutes of Nebraska, 1943, and section 77-1226.01, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 729. By Chronister, 18th District.
This bill introduced on behalf of: Nebraska Sheriffs and Peace Officers Association.

A BILL FOR AN ACT to amend section 23-1731, Reissue Revised Statutes of Nebraska, 1943, relating to county sheriffs; to change the authorized probationary period for deputies; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

Please remove Robert Parker's name from the hearing scheduled Friday, January 15, 1:30 p.m.
Governor's Appointments - Robert Palmer (Cancel)

(Signed) Loran Schmit, Chairperson

GENERAL FILE

LEGISLATIVE BILL 94. Title read. Considered.

Standing Committee amendments found in the Journal on page 887 for the Forty-Second Day, First Session, were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Beutler moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Beutler
Carsten
Chambers
Cope
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Kremer
Landis
Newell
Peterson, R.
Pirsch
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Burrows
Chronister
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Nichol
Peterson, H.
Rumery
Schmit
Sieck
Wagner

Present and not voting, 3:

Clark
Marvel
Remmers

Excused and not voting, 6:

Cullan
Dworak
Koch
Lamb
Marsh
Von Minden

Failed to advanced to E & R for Review with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 659	Wednesday, January 20, 1982	1:30 p.m.
LB 615	Wednesday, January 20, 1982	1:30 p.m.
LB 640	Wednesday, January 20, 1982	1:30 p.m.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 455 in the Journal. No objections. So ordered.

Strike section 1 and insert the following:

Section 1. That section 79-1287, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1287. In order to promote the growth and development of education in Nebraska which is essential to the welfare of its people, it is hereby declared to be the policy of the state to promote the improvement of personnel management and relations with certificated employees within the public school districts of the state by providing a uniform basis for recognizing the right of public school certificated employees to join organizations of their own choice in ~~Class III, IV, and V~~ all school districts and be represented by such organizations in their professional and employment relations with the school district.

Sec. 2. That original section 79-1287, Reissue Revised Statutes of Nebraska, 1943, is repealed.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 730. By V. Johnson, 8th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 12, of the Constitution of Nebraska, relating to revenue; to provide for the rehabilitation of substandard or blighted property; to provide for the time and manner of submission and form of ballot; and provide the effective date thereof.

LEGISLATIVE BILL 731. By DeCamp, 40th District; Schmit, 23rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to cable utility systems; to amend sections 18-1803 and 70-651.03 Reissue Revised Statutes of Nebraska, 1943, section 70-651.04, Revised Statutes Supplement, 1980, and sections 18-2414 and 70-655, Revised Statutes Supplement, 1981; to provide intent; to allow public power districts, municipalities, and certain municipal agencies to own and operate cable utility systems; to define terms; to provide for financing; to provide for program selection boards; to limit liability and rates as prescribed; to change provisions relating to the gross revenue tax of public power districts; and to repeal the original sections.

LEGISLATIVE BILL 732. By Wiitala, 31st District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend sections 48-624 and 48-699, Revised Statutes Supplement, 1980, relating to employment security; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

LEGISLATIVE BILL 733. By Haberman, 44th District; Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT relating to alcohol and drugs; to provide a penalty for persons involved in an accident while driving under the influence; to provide restrictions relating to pretrial diversion and judgment on conviction; to define terms; to require prosecution and prohibit plea bargaining in certain cases; to amend section 28-106, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1980; to provide a new misdemeanor classification of penalties; and to repeal the original sections.

LEGISLATIVE BILL 734. By Sieck, 24th District.
This bill introduced on behalf of: Nebraska Rural Electric Association.

A BILL FOR AN ACT to amend section 77-202, Revised Statutes Supplement, 1980, relating to revenue and taxation; to exempt certain transmission and distribution facilities, transformers, and substation facilities from taxation; and to repeal the original section.

LEGISLATIVE BILL 735. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 10, of the Constitution of Nebraska, relating to Education; to authorize the Governor to appoint three people to serve on the Board of Regents of the

University of Nebraska; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 736. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 85-103, Reissue Revised Statutes of Nebraska, 1943, relating to education; to provide for the appointment of additional members to the Board of Regents of the University of Nebraska; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 737. By Hoagland, 6th District.
This bill introduced on behalf of: The People of the State of Nebraska.

A BILL FOR AN ACT to amend section 79-1334, Revised Statutes Supplement, 1981, relating to school funds; to provide funds for education for gifted children; and to repeal the original section.

LEGISLATIVE BILL 738. By DeCamp, 40th District; Fowler, 27th District; Wesely, 26th District; Nichol, 48th District.
This bill introduced on behalf of: Economy and People of Nebraska.

A BILL FOR AN ACT relating to energy; to provide statements of intent and purpose; to define terms; to provide for termination of certain provisions; to provide for regulation of electrical cogeneration as prescribed; to provide for certain tax credits and deductions; to limit certain tax credits; to provide for various energy studies; to provide for various loans and grants to political subdivisions for energy related purposes; to provide for repayment of certain loans; to provide energy related assistance to low-income persons; to provide energy related information; to create a fund; to increase a severance tax; to provide for the use of certain tax funds including certain sales tax funds; to provide powers and duties for the State Energy Office; to provide duties for certain state agencies and officers; to amend sections 77-2301 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, section 81-178, Revised Statutes Supplement, 1980, and sections 57-703, 57-705, 77-2715, and 81-1627 to 81-1634, Revised Statutes Supplement, 1981; and to repeal the original sections.

LEGISLATIVE BILL 739. By Goodrich, 20th District.

This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 70-624, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change a provision relating to compensation as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

Req. #2511

1. Insert the following new section:

"Sec. 2. That section 53-183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-183. No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares, or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law; Provided, (1) nothing herein contained shall be construed to prevent any club holding a class C liquor license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of such club, (2) ~~; and provided further,~~ nothing herein contained shall be construed to prevent any hotel or restaurant holding a retail alcoholic liquor license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests, and (3) nothing herein contained shall be construed to prevent any person from making retail purchases of alcoholic liquor by the use of a credit card approved by the commission.".

2. On page 2, line 21, after "section" insert "53-183, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 22 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 568. No objections. So ordered.

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 628. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
631	Revenue
693	Revenue
694	Public Works
695	Revenue
696	Government, Military and Veterans Affairs
697	Agriculture and Environment
698	Urban Affairs
699	Appropriations
700	Public Works
701	Government, Military and Veterans Affairs
702	Banking, Commerce and Insurance
703	Public Health and Welfare
704	Government, Military and Veterans Affairs
705	Judiciary
706	Constitutional Revision and Recreation
707	Revenue
708	Banking, Commerce and Insurance
709	Education
710	Education
711	Government, Military and Veterans Affairs
712	Revenue
713	Agriculture and Environment
714	Public Health and Welfare
715	Judiciary
716	Judiciary
717	Judiciary
718	Judiciary
719	Judiciary
720	Judiciary
721	Judiciary
722	Judiciary
723	Judiciary
724	Judiciary
725	Judiciary
726	Public Works

727 Urban Affairs
728 Revenue
729 Government, Military and Veterans Affairs
730 Constitutional Revision and Recreation

(Signed) Howard Lamb, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 740. By Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; Hefner, 19th District; H. Peterson, 35th District; Kahle, 37th District; V. Johnson, 8th District; Burrows, 30th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 77-3510, 77-3513, 77-3516, 77-3517, 77-3523, and 77-3525, Revised Statutes Supplement, 1980, and section 77-3508, Revised Statutes Supplement, 1981, relating to taxation; to define terms; to change provisions relating to homestead exemptions; to provide certain exemption rates; to provide exemptions for renters; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 741. By Revenue Committee: Carsten, 2nd District, Chairperson; Hefner, 19th District; Newell, 13th District; H. Peterson, 35th District; Wagner, 41st District; Kahle, 37th District; V. Johnson, 8th District; Burrows, 30th District.

A BILL FOR AN ACT to amend sections 77-1301, Revised Statutes Supplement, 1980, relating to taxation; to change certain provisions relating to property assessment; and to repeal the original section.

ADJOURNMENT

At 3:19 p.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:30 a.m., Monday, January 11, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 11, 1982

LEGISLATIVE JOURNAL

FOURTH DAY - JANUARY 11, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 11, 1982

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Mr. Nichol who were excused; and Messrs. Burrows, Cullan, Haberman, Kahle, and Koch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 164, lines 28 and 30, strike "**BILL**" and insert "**RESOLUTION**".
Page 180, line 27, strike "Palmer" and insert "Parker".
Page 166, line 8, insert "Nichol, 48th District".
Page 167, lines 12 and 13, strike "1981" and insert "1982".
The Journal for the Third Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 571	Monday, January 18, 1982	1:30 p.m.
LB 597	Monday, January 18, 1982	1:30 p.m.
LB 612	Monday, January 18, 1982	1:30 p.m.
LB 625	Monday, January 18, 1982	1:30 p.m.
LB 568	Tuesday, January 19, 1982	1:30 p.m.
LB 618	Tuesday, January 19, 1982	1:30 p.m.

LB 590	Wednesday, January 20, 1982	1:30 p.m.
LB 676	Wednesday, January 20, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

REPORT

Received letter from Natural Resources Commission having paid $707.80 to Merritt Public Relations and Advertising Company in accordance with section 2-3263, R.R.S. 1943.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 742. By Public Works Committee: Kremer, 34th District, Chairperson; Wesely, 26th District; Clark, 47th District; Beutler, 28th District; Lamb, 43rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow the Department of Roads to acquire certain property; and to repeal the original section.

LEGISLATIVE BILL 743. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 77-1343 to 77-1345, 77-1347, and 77-1348, Reissue Revised Statutes of Nebraska, 1943, relating to agricultural lands; to redefine terms; to restrict uses of land zoned as agricultural; to change an application date; to change provisions relating to disqualification; to increase the interest rate charged upon an additional tax and to change the period for which such interest applies; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 744. By Clark, 47th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to aircraft; to place aircraft owned or leased by the State of Nebraska under the operational and administrative control of the Department of Aeronautics.

LEGISLATIVE BILL 745. By DeCamp, 40th District.

This bill introduced on behalf of: People and Poor Battered Taxpayers.

A BILL FOR AN ACT relating to the Department of Correctional Services; to provide employment and employment training for confined persons; to provide for the partial payment of costs of confinement by confined persons; to provide for the support of their families by confined persons; to provide for restitution to victims of crime; to provide for savings by confined persons; to provide duties; to provide for visitation; to provide for reduction of sentences; to amend sections 83-939 and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 746. By Landis, 46th District.
This bill introduced on behalf of: State Employees.

A BILL FOR AN ACT relating to the disclosure of information concerning state government; to state intent; to define terms; to provide for the submission to and investigation by the Public Counsel of allegations of wrongdoing; to provide duties; to provide procedures; to prohibit reprisals; to amend section 81-8,245, Reissue Revised Statutes of Nebraska, 1943, and section 81-1318, Revised Statutes Supplement, 1981; and to repeal the original sections.

LEGISLATIVE BILL 747. By Vickers, 38th District; Sieck, 24th District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT to amend section 39-669.34, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.07, Revised Statutes Supplement, 1980, relating to rules of the road; to change provisions relating to driving under the influence of alcoholic liquor or drugs as prescribed; to change provisions relating to the revocation of motor vehicle operators' licenses; and to repeal the original sections, and also section 39-669.32, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 748. By Rumery, 42nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 23-146, Reissue Revised Statutes of Nebraska, 1943, relating to county officers; to change provisions relating to interest in contracts by county officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 749. By Kilgarin, 7th District; Wiitala, 31st District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to workmen's compensation; to amend sections 48-125, 48-130, 48-140, 48-152, and 48-172, Reissue Revised Statutes of Nebraska, 1943, sections 15-1008, 16-337, and 35-211, Revised Statutes Supplement, 1980, and section 48-153, Revised Statutes Supplement, 1981; to allow double benefits as prescribed; to change provisions relating to attorney's fees; to restrict the use of certain funds as prescribed; to increase the number of judges of the Workmen's Compensation Court; to allow certain costs as prescribed; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 750. By Dworak, 22nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to water; to amend sections 46-257 and 46-285, Revised Statutes Supplement, 1980, and section 33-105, Revised Statutes Supplement, 1981; to change a fee; to change certain provisions relating to dams and reservoirs; to modify a definition; and to repeal the original sections.

LEGISLATIVE BILL 751. By Goodrich, 20th District.
This bill introduced on behalf of: Savings and Loan Industry.

A BILL FOR AN ACT to amend section 45-190, Revised Statutes Supplement, 1981, relating to loan brokers; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 752. By Wiitala, 31st District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT to amend sections 60-106, 60-107, 60-114, 60-115, and 60-312.01, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1981, relating to motor vehicles; to define terms; to change certain provisions relating to certificates of title as prescribed; to provide for an identification inspection; to change provisions relating to forms; to change fees; to create a fund; and to repeal the original sections.

MOTION - Escort Governor

Speaker Marvel moved that a committee of 5 be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The motion prevailed.

The Chair appointed Messrs. Carsten, Newell, Barrett, L. Johnson, and Remmers to serve on said committee.

The committee returned and escorted Governor Charles Thone to the Rostrum where he delivered the following State of the State and Budget address.

Mr. President, Mr. Speaker, Members of the 87th Nebraska Legislature, and distinguished guests:

Three years have passed since I stood in this chamber to take the oath as Nebraska's 32nd Governor. They have been eventful years.

On the world scene, the President of Egypt--a peacemaker--was slain by assassins' bullets. Attempts were made on the lives of Pope John Paul II and the President of the United States. Soviet troops invaded Afghanistan. Martial law has been recently harshly imposed on the people of Poland. The precarious peace in the Middle East concerns all.

In our own country, we have witnessed the most abrupt and far-reaching change in fiscal and federal programs--the most dramatic change of course since the advent of the New Deal almost half a century ago. This turning point, mandated by the electorate in 1980 and good common sense, has profound implications for the governments and programs of Nebraska and the other 49 states. It means that power which over the past 50 years has been centralized in Washington is being returned to the states. That's where our Founding Fathers intended it should be. It brings new challenges to the states, but it offers, as well, new opportunities.

In Nebraska, with the invaluable help of the men and women in this Legislature and strong support from Nebraskans from Fordyce to McCook, from the Missouri River to Mitchell Pass, we are prepared to meet those challenges and to grasp those opportunities.

Consider just some of the highlights of what we have accomplished together:

* During the past three years, we have cut spending increases in half, compared to the average annual spending increases in the preceding eight years.

* We have reduced individual income tax rates from 18 percent of the federal liability to 15 percent.

* We have passed along the benefits of the federal tax cuts by maintaining rates on state income and sales taxes.

* In special session, at my request, this Legislature voted to cut back on spending this fiscal year, in order to avoid an increase in tax rates.

* Since July of 1980, we have reduced the number of state employees, excluding higher education, by more than 1,400. That's about 10 percent.

* In two and a half years, we have reduced the number of miles driven by state vehicles by more than 24 million miles, compared to the base year of 1978. This has produced savings not only in dollars but also in energy.

At the same time, the needs of this state have been well met. We have substantially expanded our agricultural marketing activities. We have opened a new state correction complex. We provided more than 139 million dollars for new and additional property tax relief. We established statewide equalization of property valuation. We increased support of higher education in Nebraska by more than 40 million dollars. We have realized substantial progress in our state roads program, water legislation, government reorganization, citizen involvement and mental health delivery system. State aid to education has been increased 40 million dollars. And 77 new industries were attracted to the state, providing over 4500 jobs for Nebraska workers.

However, the agricultural economy on which our state so heavily depends has had a most difficult year. Farm prices and the national recession have had an adverse effect on the economic health of the state. Nevertheless, I can with confidence report today that the state of the State is sound.

It is our basic responsibility—yours and mine--to see that it stays that way.

As I look about this chamber today, I count 15 Senators who were not members of the Legislature when I presented my first budget message in 1979. So let me repeat the closing paragraph of that message:

> "The people of this state have reposed in us their trust and their confidence. It will require the best efforts of all of us to merit their reliance upon us to work together and act together for the public interest of all Nebraskans."

During these three years a heavy majority of the Legislature and the governor have developed a healthy and harmonious working relationship. It has been based on mutual respect and an active spirit of cooperation. I am grateful for that. I have always believed that the interests of the state are better served in a general atmosphere of cooperation than in one of confrontation.

Nonetheless, I am constrained to remind you that my responsibilities under the Constitution of our state require that I take care that the "affairs of the state (be) efficiently and economically administered." I am prepared to exercise that responsibility to the full extent of my ability.

Before I present my budget recommendations to you, there is one important procedural matter that I want to bring to your attention with due emphasis. Article IV, Section 7 of the Nebraska Constitution requires the Governor to present a budget bill to be introduced by the Speaker of the Legislature at the request of the Governor. The legislative history of this provision makes it crystal clear that the Legislature must use the budget bill introduced at the Governor's request through the whole legislative process. The Legislature may, of course, amend the bill. The clear purpose of this Constitutional provision is to allow the citizens of Nebraska easily to compare the Governor's proposals to the Legislature's actions. I ask that you follow the Constitutional mandate.

I am confident that as you have visited with your constituents in your districts, you have been given the same message that I hear as I talk with taxpayers: "Do what is necessary State Governmentwise. Hold down spending. Don't increase taxes!" It is a message we must heed.

The budget I present to you today will not, I repeat, will not, require an increase in sales and individual income tax rates. It is, admittedly an austere budget. It is the kind of budget that conditions require. Just like an individual, a family or a business, your state government must discipline itself to live within its means. And this budget does just that.

But that does not mean that we cannot continue to meet the legitimate needs of our citizens and provide the important services for which governments are created. It does mean that non-essential expenditures, desirable though they may be to some, must be checked. It does mean that we must become more efficient in use of the funds at our disposal. It does mean that we must make tough choices. It does mean that we must be willing to stand up to the pressures from the special interest groups that will inevitably be applied.

Before I proceed with some additional details on the budget, let's look for a few minutes at the revenue side of the equation.

My recommendations are based on the most recently available forecasts from the Nebraska Department of Revenue. These have been shared with your Appropriations Committee. My recommendations are also based upon additional revenue measures which I am recommending today.

I advised you at the conclusion of the special session that we were not yet out of the economic woods. That advice warrants repeating today. Fortunately Nebraska has not experienced the worst of the national recession. We have not been forced to contemplate the extreme measures undertaken by other states. Nevertheless, the recession continues to have an inevitable effect on Nebraska's economy. While national forecasters project an economic upturn sometime in late spring or early summer, I repeat to you now, "We are not yet out of the economic woods."

My budget recommendations are based on maintaining the current individual income tax rate of 15 percent and sales tax rate of 3 percent. They are also based on passing on to the individual Nebraska income taxpayer the benefits of the additional federal income tax cut of 10 percent, scheduled for July 1.

Further, I am presenting to you a bill which will increase the ratio that corporate income tax rates bear to individual income tax rates, effective for tax year 1982. Corporate taxes now paid in Nebraska are based on 25 percent of the individual rate on the first 25,000 dollars of corporate taxable income, and 27 1/2 percent thereafter. My recommendation provides for 25 percent of the individual rate on the first 50,000 dollars of corporate taxable income, 37 1/2 percent between 50,000 dollars and 100,000 dollars and 50 percent thereafter. It is currently estimated that this measure will raise an additional 20.5 million dollars in General Fund revenue.

This proposal would actually reduce the state income tax rate for some small corporations. It is a fair tax increase for the higher profitable corporations. It is vital to the integrity of this budget, and has my 100% support.

State Tax Commissioner Leuenberger has briefed members of your Revenue and Appropriations Committees on a comparison of our corporate tax structure with 45 other states. Nebraska ranks between 40th and 43rd among the states for its corporate rates.

There are these additional revenue measures: I propose transfering 3.7 million dollars of existing cash balances to the General Fund. I propose increasing the current cigarette tax by four cents, raising 7 million dollars. I propose reducing the minimum required General Fund reserve to 2 percent, thus freeing for appropriation 7.5 million dollars.

General Fund revenue for Fiscal Year 1983 is anticipated to be 749.2 million dollars, including that produced by the additional recommended revenue measures. Clear balances at the end of Fiscal 1982 are estimated to be 25.5 million dollars, net of anticipated deficits. Total General Funds available for Fiscal Year 1983 are 774.7 million dollars. The total includes 15.3 million dollars estimated to be necessary to meet the recommended 2 percent reserve requirement.

Within these revenue constraints, you have the clearly difficult but most attainable task of building a budget. Within these figures you will find little which might be available for "A" bills or program expansions. I do not recommend them, and I will, of course, veto them should they threaten the current individual income and sales tax rates.

Of the amount available for expenditure, I am recommending a General Fund Budget for Operations and Aid of 743.9 million dollars, or an increase of 4.3 percent over current appropriations. For Capital Construction, my general fund recommendation is 12.2 million dollars, plus 7 million dollars from the Nebraska Capital Construction Fund. The total will allow for the completion of current projects and the starting of selected high priority items. This would bring the total State General Fund Budget to 756.1 million dollars. This would be a 4.56 percent increase over the current budget, well below the 7 percent target mandated for local governments. As you can see, the revenue proposals mentioned earlier are absolutely essential to this budget recommendation.

In preparing my recommendations, I have reduced by more than 150 million dollars the total of all general funds requested. The decisions involved in making those reductions were difficult but necessary. The Nebraska taxpayer is not a source of unlimited funds. The limits must be on our spending.

Within the State Operating and Aid Budget, 409.6 million dollars, or 55.1 percent of the total is for state aid to local subdivisions and aid to individuals. Just over 23 percent, or 173.2 million dollars, is allocated to postsecondary education. The remaining 21.6 percent, or 161.1 million, is for funding all other operations of state government.

As you appreciate, by far the largest share of the budget is for aid. And within this area some of the major problems are found. Certain programs have been ineffectively controlled. A vertual blank check has on occasion been provided by the Legislature, a luxury you should no longer tolerate.

For next year, my recommendation for Special Education is 35.6 million dollars. This is a 6.8 percent increase over the amount originally budgeted for 1981-82 and almost a 25 percent increase over the past four years. For the current year to cry out for needed reform, I am not including in my deficit bill the anticipated annual shortfall for this badly managed program. So long as this program continues to grow unchecked, and with mounting controversy, the possibility for increases in general state aid to education is nil. I have consulted with Dr. Anne Campbell, Commissioner of Education, to discuss this difficult problem. She has pledged her cooperation in working out an acceptable and reasonable solution. I strongly urge a qualitative audit and review from top to bottom on special education. Those students who indeed have special needs must receive special help, and the state must share in the costs of those services. Most school administrators agree that, while this is unquestionably a necessary program, a way must be found to control not only the blank check costs but also the rules, regulations, and enormous volume of paperwork involved.

Another program which must be brought under tighter control is Medicaid. Over the past four years General Fund expenditures in this area have increased from 26.8 million dollars to an estimated 41.7 million dollars for 1982-83, an increase of 55.4 percent. The estimate for next year would be even higher except for cost containment and administrative measures which will be undertaken to save an estimated 7.8 million dollars in state funds. We must continue to search for ways to ensure that these funds are going for necessary services and are meeting the highest priority needs.

GENERAL GOVERNMENT

Within any organization, it is the ability and initiative of the employees which usually determines the quality of the goods or services produced. I am immensely proud of our state employees and the job they do in service to our citizens. For next fiscal year I am recommending an average increase in employee salaries of 5 percent. This will be accomplished by increasing the base salary by 4 percent but allowing agency directors to give individual increases of up to 6 percent.

In addition, my recommendation reserves funds for an increased state contribution to the employees' health insurance coverage to help offset the anticipted rate increase.

As was done last year, I am again recommending that wherever possible, agencies' funding programs be combined to provide greater management flexibility and a more efficient use of resources. This is a frugal budget. It will be more important than ever that agency directors have the necessary tools to use effectively the funds at their disposal.

I am also recommending continuation of the LB 309 Task Force as proposed by Senator Cope and others. I am suggesting that it be funded for FY 82-83 in the amount of 1.15 million dollars. This program has saved and will save the taxpayers millions of dollars by making our existing state facilities last longer and function more efficiently.

HIGHER EDUCATION

Nebraskans are justifiably proud of their postsecondary education system. That pride is demonstrated by the level of state support provided to this area which is critically important to the future of our state.

One of the most important--and certainly most difficult--decisions which had to be made in the construction of these recommendations was the extent to which we would be able to provide support for this state's institutions of higher education.

I turn first to the University of Nebraska, and I emphasize what each of you already knows: that I firmly believe that Nebraska must have a strong and vibrant state university, that I am proud of the University of Nebraska, and that I am aware of and deeply appreciative of the University's many splendid accomplishments.

I have always believed that it was essential to provide adequate support for the University. Every individual in this room--indeed, almost certainly every citizen of this state--has benefited from the many fine programs which the University offers. I understand that the University's contributions to our economic and cultural well-being are essential, and must be continued.

The budget recommendations which I have placed before you will, in my estimation, allow the University to sustain its operations at a reasonable level. It is, regretably, not a budget which will permit the University to do all that it might have wished. The University will also have to pay the price of fiscal austerity. This proposed budget is consistent with my belief in the importance of higher education, and one which will guarantee continuity of effort and quality of programs at our state university during these financially troubled times.

Over the past ten years, state tax support for postsecondary education operations in Nebraska has increased by approximately 261 percent. This places Nebraska second among the "Big 8" states in state tax support growth. In the past two years state tax support has increased by aproximately 24 percent for postsecondary education, also second among "Big 8" states. At 119 dollars per capita, Nebraska ranks twelfth among the states in the nation for fiscal year 1981-82 in state support for postsecondary education.

My budget recommendation for FY 1982-83 provides for an increase of more than 11.4 million dollars from the state general fund for operation of postsecondary education. This amounts to a 6.3 percent increase over FY 1981-82. The increases are as follows:

University of Nebraska -- 5.9 percent increase from 141.1 million dollars to 149.4 million dollars. When I became Governor this budget was 108 million dollars.

State Colleges -- 8.3 percent increase from 21.7 million dollars to 23.5 million dollars. When I became Governor this budget was 17.3 million dollars.

Community Vocational Technical Colleges -- 7.0 percent increase from 18.7 million dollars to 20.0 million dollars. When I became Governor this budget was 15.5 million dollars.

The recommendation for the University is in a lump-sum format. The Regents have the constitutional right and duty to allocate the State General Fund appropriation and other revenue sources among the campuses and functions. The recommendation includes the 5 percent salary increase plus an extra amount for discretionary salary and fringe benefit cost. In calculating these increases, I have incorporated President Roskens' announced plan to reduce "state aided" employment by 2 percent during the current fiscal year.

For the State Colleges, I am recommending a 1.8 million dollar, or 8.3 percent, increase in state support. Salary policy and operating expense allowances are similar to those for the University, specifically including extra funds for fringe benefit costs. The Trustees are provided with flexibility to allocate funds and are provided with a discretionary fund in the Board Office. The discretionary fund could be used for such requested items as the Kearney Nursing program, a business faculty position at Peru, computer cost funding at Chadron and throughout the system, instructional equipment, fringe benefit and salary increases, or other priorities of the Board. The appropriation in the discretionary fund may be transferred to the Colleges and become part of the permanent operating budget of the Colleges at the discretion of the Board.

The Community Vocational Technical Colleges are provided with an increase of 1.3 million dollars, or 7.0 percent. While the colleges are not a state agency, salary and inflationary allowances were taken into consideration when reviewing their request for state aid. According to state statute, it is the authority and responsibility of the Area Boards to allocate the state aid they receive in a fiscally sound and efficient manner.

For the Postsecondary Education Coordinating Commission, three full-time positions are funded from state tax dollars in the Administration budget. In addition, the State Student Incentive Grant Program is funded in the same program and in the same manner as it has been for the past five years. An amount of 180,000 dollars of state tax dollars is recommended for the new State Scholarship Program. Of this amount, which is recommended to be appropriated in a new and separate program, approximately 10,000 dollars is estimated for use in administration of the program.

POSTSECONDARY EDUCATION: CAPITAL CONSTRUCTION

The recommendation for Capital Construction at the University includes reaffirmations of funding for FY 1982-83 totaling 1.3 million dollars for the planned School of Veterinary Medicine. This reaffirmation is made with the understanding contained in LB 245, that actual construction will not proceed until both federal and private funding are in hand, and other states have fully agreed to the project.

In addition, 250,000 dollars is provided for miscellaneous life safety, energy conservation, and minor instructional classroom renovations. These funds may be distributed systemwide according to priorities established by the Board of Regents.

Also funded is the 575,000 dollar request for the incinerator at the Medical Center. This project has both life safety and energy conservation components.

Funding in the amount of 124,460 dollars has been provided for Preliminary Program Planning through the schematics phase for the proposed Animal Science Complex.

The Board of Trustees of the State Colleges is provided 1.9 million dollars of reaffirmation funding for the addition to the Kearney Library. Also provided is 200,000 dollars for systemwide life safety, energy conservation, and minor instructional classroom renovations. These funds may be distributed systemwide according to priorities established by the Board.

It is also recommended that the Board utilize the 111,000 dollars recommended for the Chadron Activities Center to construct the underground drainage system for the campus as indicated as an alternate in the recently completed Program Statement. The completion of this system is viewed as necessary before the new construction takes place on the campus.

Funding in the amount of 650,000 dollars has also been provided for the first phase of actual construction on the A.O. Thomas renovation project at Kearney State College.

NATURAL RESOURCES

Water remains the key issue in natural resource management in Nebraska. In 1979, the state initiated a series of studies to guide state policy on many water problems. Already finished are major studies on Water Use Preferences, Instream Flow Policies, and Groundwater Reservoir Management. More studies are underway, and when completed will provide the state with full information and options on water policies. My recommendation for FY 1982-83 continues support for the water planning process and includes 100,000 dollars of new appropriation, plus reappropriated balances for a study of the critical Sandhills region.

Development of water projects and conservation of water are important to Nebraska's future. The recommendation for the Resources Development Fund is for the same amount as the current year, an increase of 190 percent over the level of funding made available four years ago. The recommendation for the Water Conservation Fund represents a 113 percent increase over the level of funding made available four years ago. Because construction costs are declining and bids are coming in considerably lower than estimated, there will be savings on existing projects that can be used to fund additional projects. As of November 1981, there were more than 500,000 dollars of such savings in just the Resources Development Fund.

The level recommended for the Resources Development Fund will provide approximately 3.4 million dollars to continue the subsequent phases of projects currently in progress, or to begin new projects.

An additional 3 million dollars is recommended in the Department of Environmental Control's budget to finance the state's share of the Waste Water Construction Program. This is a significant increase over current year funding but is necessary because of the anticipated level of construction activity during next fiscal year.

TRANSPORTATION

A key factor in our state's economy is our highway system. Our investment in that system is large but the return is substantially greater. Without the ability to move our agricultural products and the production of our manufacturers, our economy would come to a standstill.

The recently enacted Variable Gas Tax has proven to be of significant help in speeding up the construction and maintenance programs of the Department of Roads. The wisdom and foresight of Nebraska in this area are being seen in the large number of other states which have adopted or proposed gasoline tax increases. The recommendation which I am making will maintain the Variable Gas Tax at the present 2 percent rate. I am proposing that the state's program of aid to rural and urban mass transit programs be funded at the current level. I am providing to the Speaker a bill which would change the source of funds for this program from the General Fund to the Highway Trust Fund. This change is well merited in my opinion, and I hope you agree.

I am also submitting legislation which will postpone for one year the issuance of new license plates. This action will save the state an estimated 2 million dollars during this difficult financial period. I hope Nebraskans will consider their present battered and dented plates as badges of honor in Cheyenne and our other 92 counties and a testament to our determination to restrain state spending.

HUMAN SERVICES

In the preparation of this year's budget, priority was given to the human services programs.

For the kidney dialysis program in the Department of Health, a deficit appropriation of 100,000 dollars is recommended for the current year, along with full funding for next year. Dramatic increases have been experienced in this area and program changes will be required if costs are to be brought under control.

Twice this Legislature has overriden my veto of 400,000 dollars allocated to the Department of Health for cancer research. I have gotten the message. But, while I have included the 400,000 dollars in my recommendation, along with the 600,000 dollars for Department of Public Institutions alcohol treatment programs, I am compelled to advise you that any attempt to increase these amounts will receive an immediate veto as not wise priority use of available funds.

Included in the recommendation for the Department of Health is an additional 70,000 dollars for the Medical Student Assistance Program to bring the total funding to the 280,000 dollar level originally contemplated when the program was started. This program is an important component in our efforts to increase the availability of health care in our medically under-served rural areas.

Funds are provided to the Department of Public Institutions to continue the movement of patients from Beatrice and to support those moved in previous years.

An increase of 7.2 percent, or 1.9 million dollars, is recommended for the Department of Corrections. Within that recommendation, additional funds are provided to deal with the increased population in our correctional facilities.

Charles Benson has provided outstanding leadership for this agency. He is working hard to keep costs under control and provide a model correctional program. In line with those efforts, it is strongly recommended that the various funding programs be combined to provide maximum management flexibility.

Included in my deficit recommendation is a transfer of 75,000 dollars of Corrections' cash funds from other programs within the agency to Correctional Industries during the current fiscal year. This will permit the purchase of additional tooling to allow the expansion of production. A high priority for next year will be placed on improving this vitally important program.

You will recall that the panel of experts I invited to assess our corrections system identified inmate idleness as a problem requiring priority attention and that the Chief Justice of the United States, in his recent speech in Lincoln, emphasized the need to make our corrections institutions "factories with fences." We agree, and continued emphasis will be given to work release, educational release and prison industries.

Last year the Veterans Aid Trust Fund was increased by 500,000 dollars, and an additional 500,000 dollars was planned for this year. With the increased interest earnings that have been realized and other efficiencies of operation, I am recommending 250,000 dollars of additional funds for FY 1982-83 and 250,000 dollars for FY 1983-84. Our analysis indicates that with the additional 250,000 dollars, adequate funds will be available during FY 1982-83 to meet anticipated needs.

General funds have been increased for the Commission on Aging to allow the state to take advantage of the federal funds available to support the services which are so important to our senior citizens.

Let me also direct your attention to five proposals of the Government Improvement Task Force, chaired so ably by Earl Luff. These proposals are deserving of your attention and action this year:

LB 535 which provides for biennial appropriations. I share the view of the Government Improvement Task Force that biennial, rather than annual appropriations, will result in a longer term view of spending priorities and is likely to result in less total spending than annual appropriations.

Another important Task Force Recommendation is embodied in LB 454.

LB 454 provides for setting of income tax rates by increments of one half of 1% and sales tax rates of one quarter of 1 percent. Under present law sales tax rates can be changed only in 1/2 percent increments. That is approximately 47 million dollars at this time. The taxpayers would be well served if we had greater flexibility in adjusting our tax rates.

Other Government Improvement Task Force bills deserving your attention are:

LB 542 which eliminates the little used Weather Modification Commission;

Senator Warner's measure to provide for Legislative review of the Board of Educational Lands and Funds budget; and

A bill which will place all state aircraft under the operational authority of the Department of Aeronautics.

THE YEAR AHEAD

The year ahead of us will be a difficult one. But let's face it with confidence--a confidence based in large part on an abiding faith in this State and in its people.

We have laid a firm foundation for better government in the past three years. We have taken significant steps to protect and develop the resources of the state, both natural and human. We have appointed coordinators in both areas to serve as extensions of the Governor's office.

In the natural resource field, Jack Hart has been on the job for nearly a year. In that time he has demonstrated that much progress can be achieved through sensible administrative procedures and effective coordination of the many agencies involved in the planning and management of our soil and water.

Competition for water is becoming intense, both within the state and from interests outside the state. We intend to resist vigorously any threats to Nebraska's water supplies from outside our borders while we seek the most efficient possible use of supplies within the state.

One of the priority measures you will be considering during this session is LB 375 which has been extensively studied, debated and altered. That process has led to an amended version which, I understand, will be offered in the Public Works Committee. I am pleased to indicate my support for that measure. It represents a sound and sensible approach for allowing local areas to take steps to protect their underground water supplies before shortages become critical. Let's also move ahead on the Natural Resources Commission recommendation of recognizing instream uses as valid and important uses of certain stream reaches in Nebraska.

John Knight, one of your former most respected colleagues, has assumed his new post as coordinator for human resources only within the past few weeks. As you know, John headed a task force I formed to prepare state government for the changes made by the Reagan Administration and the Congress in the handling of federal funds. With his considerable experience in the field, and as my principal liaison with the Legislature, John has the background and the competence to improve the administration of human services programs of the state. I am confident that he will have the full cooperation of the Legislature; Be assured that you will have his full dedication and support.

Nineteen eighty-two will be a trying year for Nebraska agriculture. Our farmers face critical problems of rising costs and declining prices. Less than 4 percent of America's population sustains the rest of the nation because of the truly remarkable growth of agricultural productivity. The American farmer is industry and labor's biggest customer, the consumer's best supplier and the steward of the soil which constitutes our basic wealth for this and future generations.

And yet, the unhappy fact is that the farmer is not rewarded for his efficiency and his productivity. As his costs--particularly interest payments and fuel prices--continue to rise, the prices he receives for his products actually decline.

There is a practical limit to what state government can effectively do that is of immediate help in this situation, beyond what I have been describing, namely holding down government spending to ease the tax burden. And state government can help by vigorously promoting exports, general marketing and product utilization of our bountiful products. Overall, Nebraska farm product exports amount to almost two billion dollars annually. I am proud of the fact that overseas sales of farm products in which the Nebraska Department of Agriculture was directly involved tripled to nearly 160 million dollars in 1981 over 1980. We plan to again step up our efforts in this direction in the coming year.

My fervent hope is that 1982 will see a reversal of the disturbing trends of the past year and that our farmers and ranchers can once again look forward to a fair return on their investment and their labor. It is of critical importance to our state. I recall that my colleague in the Congress, Jamie Whitten of Mississippi, once told me that each dollar of wealth taken from the soil generates 7 dollars of income throughout the economy.

The downturn in the agricultural economy has reflected itself in our state's unemployment rate. At 4.3 percent, our rate is only about half the national average. Nebraska is the fourth lowest among all the states in its jobless rate. Still, that is of small consolation to those 33,000 of our workers who are out of jobs.

That is why I have directed the Department of Economic Development to assign the highest priority to the attraction of new industry and to the retention and expansion of companies that are already here. My budget includes 25,000 dollars for industrial start-up training as one way of encouraging industrial development in Nebraska. We will continue to press ahead as diligently as we can.

Just as high interest rates are making life miserable for Nebraska farmers and ranchers, so have they denied thousands of our families the realization of the dream of home ownership.

Through the activities of the Nebraska Mortgage Finance Fund, more than 5,000 families have seen that dream come true. With the recent easing of interest rates, I hope the Fund will be able to issue more mortgage revenue bonds so that more families may participate. Much will depend on the action of the Congress which is considering legislation which would deprive states and cities of this valuable financing tool. I solicit your support in opposing that ill-considered legislation. Decent and aforable housing for all our citizens must remain one of our primary goals.

In closing, let me repeat: The state of the State is sound. It is sound because we have exercised restraint and fiscal prudence. It will remain sound if we stay true to our course.

It was 90 years ago--in 1892--that Robert Louis Stevenson described a trip by train across the Nebraska prairie in these words:

"To one hurrying by steam there was a certain exhilaration in this spacious vacancy, this greatness of the air, this discovery of the whole arch of heaven. . ."

The virgin prairies have long been broken by the settler's plow. Cities and towns and villages established by immigrant pioneer families now lie along the path the writer followed those nine decades ago. Still, there abides in Nebraska a strong sense of that indominitable pioneer spirit which persevered and conquered the wilderness against imposing odds.

Let us, then, join together in that spirit to confront the challenges before us, as our courageous pioneer ancestors did. It will not be easy. Few things really worth doing are easy.

But with civility and with reason, we can fulfill the heavy responsibilities we bear. We can provide able, honest and compassionate leadership to the million and a half men, women and children who are proud to be called Nebraskans.

The Committee escorted the Governor from the Chamber.

EASE

The Legislature was at ease from 11:05 a.m. until 11:16 a.m.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 171

January 7, 1982

Dear Senator Haberman:

You have asked us the following question: "Are there any constitutional problems with establishing mandatory minimum terms of imprisonment for individuals convicted under Section 28-1205 of the crime of using or unlawfully possessing a firearm or other deadly weapon during the commission of a felony?" You indicate in your letter that you intend to introduce legislation to establish such a rule of law in the State of Nebraska in the present session.

There has been a great deal of litigation concerning this particular issue around the country in recent years. As a result of this litigation, a number of articles have been written in legal periodicals and encyclopedias dealing with these questions. Some of these articles comment: Length of sentence as a violation of constitutional provisions prohibiting cruel and unusual punishment, 33 A.L.R.3d 335, and validity of statutes prohibiting or restricting parole, probation or suspension of sentence in cases of violent crime, 100 A.L.R.3d 431. While there are other comments related to this general issue, we believe that without citing the specific cases relied upon in these annotations, it is fair to quote from the summary of the last referred to annotation:

> As to the validity of statutes prohibiting or restricting parole, probation, or suspension of sentence in cases of violent crimes, the courts have been uniform in upholding the statutes as against a number of different challenges.

Although this specific issue has not been raised before the Nebraska Supreme Court, we believe that the weight of authority is such that our court would be likely to hold that a statute which provided for a mandatory minimum term of imprisonment for individuals convicted under Neb.Rev.Stat. §28-1205 (Reissue 1979), as you propose, would be found to be a constitutional exercise of the authority of the Legislature.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 172
January 7, 1982

Dear Senator Beyer:

You have sent us a copy of a proposed bill, and have asked our opinion as to its constitutionality. The bill would amend Neb.Rev.Stat. §2-1213 (Supp. 1981). The section as it now reads provides for races limited to Nebraska-bred horses, and provides that three percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse. It also defines a Nebraska-bred horse. The amendment to this section which raises constitutional questions reads as follows:

> The Nebraska Racing Commission may designate official registrars for purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform the above duties in accordance with policies and procedures adopted by the State Racing Commission in the current Rules and Regulations of the Commission. The Commission may authorize the official registrar to collect specific fees to compensate for expenses of the registry in the performance of its duties. The amount of said fee or fees shall be established by the Commission and shall not be changed without Commission approval. Fees shall not exceed $50 per horse.
>
> Any decision or action taken by the official registry shall be subject to review by the Commission or may be taken up by the Commission on its own initiative.

We considered a very similar proposal in our opinion No. 134, dated July 31, 1981, addressed to you. In that proposal, however, the Commission was specifically authorized to delegate to certain organizations some of the Commission's powers and duties. We cited cases to the effect that governmental powers could not be delegated to private individuals or organizations, and were of the opinion that some of the provisions of that bill might run afoul of such prohibition. In addition to the cases cited in that opinion, we call your attention to Summerville v. North Platte Valley Weather Control District, 170 Neb. 46, 101 N.W.2d 748 (1960), in which the court said that the Legislature could not delegate to private individuals either legislative or judicial functions.

The wording of your proposed bill is somewhat different from the bill previously considered. For one thing, it does not purport to delegate any of the Commission's powers, but only authorizes the Commission to designate registrars to register eligible horses and certify their eligibility to the Commission. While it may be argued that the change is more in form than in substance, and that the Supreme Court would look through the form to see what the bill actually does, we think the change is of some significance, because your bill does not wave the red flag of "delegation of powers," and it can be argued that all your bill does is authorize the Commission to appoint someone to assist the Commission by investigating facts and certifying its findings to the Commission. The Commission would, then, be the ultimate authority making the finding of whether or not a particular horse was a Nebraska-bred horse, as defined by statute, which is a quasi-judicial function.

In our earlier opinion we suggested that the bill being considered could be construed to permit the private organization to set the registration fees, a legislative function. Your version eliminates any such possible construction by providing that the fee will be set by the Commission. It further puts a limit of $50 per horse on the fee.

A slight question may remain as to whether sufficient standards have been set to guide the Commission in setting the registration fee. In Gillette Dairy, Inc. v. Nebraska Dairy Products Board, 192 Neb. 89, 219 N.W.2d 214 (1974), the court noted that a grant of power to an administrative agency must be administered in accordance with standards prescribed in the act. Your bill permits the Commission to authorize the registrar to collect fees "to compensate for expenses" of the registrar in the performance of its duties. To make it perfectly clear, it might be well to provide that the Commission, in setting the fee, should set it at such a figure as would reasonably compensate the registrar for its expenses in connection with registration of Nebraska-bred horses.

While the answer to your question is not completely without doubt, we believe we can successfully defend your bill, especially with the amendments suggested in the preceding paragraph.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jnf
n2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 173
January 8, 1982

Dear Senator Haberman:

You ask for our opinion on a certain question. You indicate that you intend to introduce legislation requiring mandatory jail sentences for individuals convicted of driving while intoxicated and for those convicted of using or possessing a deadly weapon during the commission of a felony. In light of that intention you pose the following question: "In reference to the above, does the State of Nebraska have the authority to confine inmates in prison, even if prison conditions violate the U.S. and Nebraska constitutions?"

The short, misleading and only partially accurate answer to your question is no, the state may not confine inmates in conditions violative of the U.S. and Nebraska Constitutions.

We must qualify this answer with several assumptions which we will delineate in the following paragraphs.

First, as you are well aware, the State of Nebraska has recently completed several new correctional institutions and is about to start on another in Omaha. In light of these circumstances, we believe it is unlikely that the State of Nebraska will be subject to a conditions lawsuit in the near future.

For the purposes of this letter, the question of incarceration in local jails is subject to such wide variation that we will simply say that some jails may be so bad that it would be improper to incarcerate people therein but alternatives should be available to take care of any specific or isolated problems existing in the state.

As a practical matter, we believe that the facilities existing in the state are currently sufficient to meet any currently applicable standards. Thus, the question of whether or not individuals convicted in the State of Nebraska could be confined in conditions that are violative of either the federal or state Constitution is essentially irrelevant.

As you are well aware, there has been a great deal of litigation in federal courts in recent years concerning conditions in penal institutions. A number of federal courts have held that particular institutions and conditions therein violate federal or state constitutional provisions. The remedies which have been fashioned by these courts vary greatly. At least one court has ordered a reduction to set numbers. That and other orders have not detailed what is to be done with the inmates who are incarcerated, but simply have ordered state action to bring the institutions into compliance with minimum standards.

Absent a specific factual situation, it is difficult to give any coherent answer to the question of whether or not a particular inmate may be incarcerated in a particular institution. That question would have to be dealt with once the case arose. As a practical matter, from the standpoint of the state, we see no likelihood of it being impossible for the state to incarcerate a convicted felon under a proper sentence within the facilities currently available or presently planned. With respect to local jails, such questions would have to be treated on an individual basis in the locality involved in terms of the options available to the incarcerating authority.

While this response has been very general in nature, we hope that it is of some assistance in resolving the question you have raised.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 174
January 8, 1982

Dear Senator Sieck:

You have submitted to us a proposed bill which would amend Neb.Rev.Stat. §77-202 (Supp. 1980) by adding the following to the list of properties exempted from taxation by that section:

> Transmission and distribution lines, transformers and associated substation facilities within the State of Nebraska owned by non-profit cooperative corporations and associations and used or useful for the transmission and distribution of electric power and energy, except that such lines, transformers

> and facilities which were assessed during 1979 shall continue to be assessed and taxed based upon the 1979 assessments with respect to such property.

You have asked our opinion as to the constitutionality of such an amendment. We believe that an exemption of personal property of this kind could be sustained, but that the proposal contains two provisions which cannot.

We construe the exemption to apply only to personal property, although the term "associated substation facilities" is somewhat unclear to us. This exemption, to be valid, must be authorized by the provision of Article VIII, Section 2 of the Nebraska Constitution permitting the Legislature to classify personal property in such manner as it sees fit, and to exempt any of such classes, or to exempt all personal property. Clearly, real estate could not be exempted under such a provision, and we construe your proposed bill to pertain only to personal property.

One question that must be answered is whether the classification is reasonable. While Article VIII, Section 2 authorizes the Legislature to classify personal property "as it sees fit," we are confident that the Supreme Court would require that the classification be reasonable. Unreasonable classification is prohibited by Article III, Section 18 of the Constitution, and it would require extraordinarily explicit language in the Constitution to convince the court that what it considered unreasonable classification was to be authorized. Even then, such classification would probably run afoul of the Equal Protection Clause of the Fourteenth Amendment to the Federal Constitution.

The first classification we will consider is that between property owned by "non-profit cooperative corporations and associations" and others. The property owned by the non-profit organization would be exempt, while similar property owned by other persons or entities would not. We believe this is reasonable classification. The Legislature is given a wide range of discretion in classifying, and it appears to us that there are differences between non-profit corporations and associations, on the one hand, and private persons or profit-making corporations, on the other, to justify different treatment of them in this way.

We recognize that in State ex rel. Meyer v. Story, 173 Neb. 741, 14 N.W.2d 769 (1962), the court said that the provision authorizing the Legislature to provide a different method of taxing motor vehicles did not authorize it to provide a different method of taxing motor vehicle dealers. However, we believe the case can be distinguished, because the constitutional provision being construed in Story did not have the specific classification authority we are dealing with, and furthermore, it is, perhaps, more reasonable to treat non-profit organizations differently from other entities than it is to pick out a class of profit-making corporations or persons, such as motor vehicle dealers, for special treatment.

The other classification involved is that between lines, transformers, and facilities assessed during 1979, and similar property not assessed during that year. We find it difficult to justify such a classification. Exactly why property which has been, or will be, acquired after January 1, 1979, should now be exempt from taxation, but similar property acquired before January 1, 1979, should be taxed escapes us. There is nothing which "naturally suggests the justice or expediency of diverse legislation with respect to the objects classified." See Shear v. County Board of Commissioners, 187 Neb. 849, 195 N.W.2d 151 (1972). Stahmer v. State, 192 Neb. 63, 218 N.W.2d 893 (1974) casts some doubt as to whether Article III, Section 18 applies to the classification of personal property under Article VIII, Section 2, but, as we indicated above, we cannot believe that the court would sustain a completely baseless classification, and even if Article III, Section 18 does not apply, the Equal Protection Clause does. We therefore doubt the validity of such a provision.

The bill would also provide that the property not exempted should continue to be assessed based upon the 1979 assessment. If this means that it shall continue, for as long as it is owned and used, to be assessed at the value ascribed to it as of January 1, 1979, it clearly violates the uniformity provisions of Article VIII, Section 1 of the Constitution. If it continues to be taxable, it must be taxed uniformly with other taxable property, and this uniformity includes uniformity in valuation.

We therefore conclude that it would be difficult to defend your proposed legislation in its present form.

Very truly yours
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
f2
cc: Patrick O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the

Legislature, the attached is a list of all Lobbyists who have registered as of January 8, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Allen, Thomas H. - Omaha, (withdrawn 12-9-81), Omaha National Corporation
Busch, William M. - Omaha (withdrawn 12-31-81), Mutual Protective Insurance Company and its wholly owned subsidiary, Medico Life Insurance Company
Campbell, James R. - Omaha (withdrawn 12-11-81), U. S. National Bank of Omaha
Fethkenher, Ted L. - Lincoln, Nebraska Association of Homes for the Aging
Finigan, Edwin J. - Lincoln, (withdrawn 12-1-81), Nebraska Telephone Association
Gilbert, V. Ann - Lincoln, O'Hara & Associates, Inc.
Hamilton, Wm. A. - Lincoln, Nebraska Republican Party
Howard, David M. - Lincoln, (withdrawn 12-17-81), Farmers Union of Nebraska
Knudsen, Berkheimer, Beam, Richardson and Endacott:
  Ruth, Larry L. - Lincoln, Fidelity Government Securities Fund, Ltd.; Hall County Livestock Improvement Association (withdrawn 1-5-82); Nebraska Hearing Aid Dealers Association (withdrawn 1-5-82); Northwest High School (withdrawn 1-5-82)
Knuth, Robert F. - Lincoln, (withdrawn 12-28-81), Nebraska Association of Student Councils
Kuhle, Shirley J. - Lincoln (withdrawn 12-11-81), Kuhle, Shirley J., Concerned Citizen
Lewis, Wineland, Lewis:
  Lewis, Frank - Bellevue, Loup River Public Power District; Nebraska Western Technical College
Lombardi, Richard Austin - Lincoln, Tews and Radcliffe
Magnuson, Arnold L. - Lincoln, Nebraska Society of Certified Public Accountants
McDaniel, Richard A. - Lincoln, Great West Casualty
Mihovk, Donald J. - Council Bluffs, IA, Peoples Natural Gas Company
Moylan, James H. - Omaha, (withdrawn 8-5-81), Nebraska League of Registered Nurses
Murphy, Donald J. - Omaha, (withdrawn 12-4-81), U. S. National Bank of Omaha

Noren and Burns:
  Noren, Charles F. - Lincoln, Nebraska Dental Hygientists' Association
Peralez, Rudy - Lincoln, (withdrawn 12-31-81), Nebraska Association of Community Action Agencies; Nebraska Aviation Trades Association
Powers, Ray - Omaha (withdraw 10-1-81), City of Omaha
Prazan, Jerome J. - Omaha, City of Omaha
Rasmussen, Dennis - Lincoln, Barbers of Nebraska; Loup River Public Power District; Motor Vehicle Inspection Committee
Remington, S. June - Lincoln, Nebraska Personnel and Guidance Association; Nebraska School Psychologists Association
Ross, Barry A. - Lincoln, Nebraska Telephone Association
Ryan, James E. - Lincoln, Nebraska Press Advertising Service
Simon, Ray - Omaha, (withdrawn 1-6-82), International Brotherhood of Electrical Workers, Local #1521
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Maple Creek Concerned Citizens Association; Nebraska Cable Communications Association; Omni Dental Associates
Thomas, Arnold R. - Lincoln, Nebraska Hospital Association
Trumble, Bette T. - Lincoln, League of Women Voters of Nebraska
Walsh, Virginia - Omaha, Nebraska Coalition for Women
Wilson, Stanley F. - Lincoln, Nebraska Well Drillers Association
Woods, John D. - Omaha, (withdrawn 12-9-81), Omaha National Corporation

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 201.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 753. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend sections 77-2602 and 77-2616, Revised Statutes Supplement, 1981, relating to the cigarette tax; to increase the cigarette tax; to delete obsolete matter; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 754. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to shift appropriations within agencies; to make deficiency appropriations; to amend Laws 1981, LB 207A, section 1, as amended by Laws 1981, First Special Session, LB 8, section 87, Laws 1981, LB 328A, section 1, as amended by Laws 1981, First Special Session, LB 8, section 94, Laws 1981, LB 487A, section 2, as amended by Laws 1981, First Special Session, LB 8, section 96, Laws 1981, LB 557, section 11, Laws 1981, LB 558, section 4, and section 13, as amended by Laws 1981, First Special Session, LB 8, section 9, Laws 1981, LB 559, section 23, and sections 4, 5, 8, 16, 18, 19, 24, 31, and 36, as amended by Laws 1981, First Special Session, LB 8, sections 11, 12, 14, 21, 23, 24, 28, 34, and 39, respectively, section 6, as amended by Laws 1981, LB 487A, section 2, as amended by LB 8, Eighty-seventh Legislature, First Special Session, 1981, section 96, Laws 1981, LB 560, sections 9 and 10, as amended by Laws, 1981, First Special Session, LB 8, sections 57 and 58, respectively, and Laws 1981, LB 561, sections 20 and 21, and sections 9 and 16, as amended by Laws 1981, First Special Session, LB 8, sections 63 and 67, respectively; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 755. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1982, to June 30, 1983; and to declare an emergency.

LEGISLATIVE BILL 756. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1983; and to declare an emergency.

LEGISLATIVE BILL 757. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to taxation; to reduce the minimum estimated receipts in setting tax rates; to delete obsolete matter; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 758. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 39-2215, Revised Statutes Supplement, 1981, relating to the Highway Trust Fund; to provide for financing the public transportation assistance program; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 759. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1981, relating to motor vehicles; to defer the issuance of new number plates; and to repeal the original section.

LEGISLATIVE BILL 760. By Marvel, 33rd District.
The bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to the corporate income and franchise taxes; to change rates as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 761. By Marvel, 33rd District.
The bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1983; to amend Laws 1981, First Special Session, LB 8, sections 77, 78, and 84; to repeal the original sections, and also Laws 1979, LB 184A, section 3; and to declare an emergency.

LEGISLATIVE BILL 762. By V. Johnson, 8th District; H. Peterson, 35th District.
The bill introduced on behalf of: Community Health Services.

A BILL FOR AN ACT relating to community health services; to define terms; to provide grants to local health departments; to create a fund and provide the source and use thereof; to increase the cigarette tax; to amend sections 77-2602 and 77-2616, Revised Statutes Supplement, 1981; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 763. By Public Works Committee: Kremer, 34th District, Chairperson; Lamb, 43rd District; Koch, 12th District; Clark, 47th District; Beutler, 28th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 39-6,136 and 39-6,170, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to windshield, window, and rear view mirror requirements as prescribed; and to repeal the original sections.

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 6, Section 2 to permit the consideration of LB's 563, 564, 565, 566, 592, and 664 on General File.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 563. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 564. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 565. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 566. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 592. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 664. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 664

Mr. V. Johnson asked unanimous consent to expedite LB 664. No objections. So ordered.

MOTION - Rerefer LB 570

Mr. Vickers renewed his pending motion found in the Journal on page 142 to rerefer LB 570 from Revenue to Education Committee.

SPEAKER MARVEL PRESIDING

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Vickers motion prevailed with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

MOTION - Rerefer LB 572

Mr. Vickers renewed his pending motion found in the Journal on page 142 to rerefer LB 572 from Revenue to Education Committee.

The motion prevailed with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were 25 students and instructor from Southeast High School, Lincoln; and Mayor Mike Boyle from Omaha.

RECESS

At 12:02 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh, Messrs. Cullan, and Nichol who were excused; and Mrs. Pirsch, Messrs. Fowler, Goodrich, Haberman, Hoagland, and members of the Revenue Committee who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 764. By Business and Labor Committee: Barrett, 39th District, Chairperson; Apking, 32nd District; R. Peterson, 21st District; Wiitala, 31st District; Labedz, 5th District; Vickers, 38th District; Goll, 16th District.
This bill introduced on behalf of: Self-Employed Individuals.

A BILL FOR AN ACT to amend section 48-115, Revised Revised Statutes Supplement, 1981, relating to labor; to change certain provisions relating to workmen's compensation insurance coverage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 765. By Business and Labor Committee: Barrett, 39th District, Chairperson; Apking, 32nd District; Wiitala, 31st District; R. Peterson, 21st District; Goll, 16th District; Vickers, 38th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend sections 48-624, 48-626, 48-652, and 48-669, Revised Statutes Supplement, 1980, and sections 48-627 and 48-628, Revised Statutes Supplement, 1981, relating to unemployment benefits; to change the minimum and maximum weekly benefit amounts; to change provisions relating to the maximum amount payable in a benefit year; to change minimum eligibility requirements; to change provisions relating to disqualification; to change provisions relating to experience accounts; to provide for the applicability of unemployment benefit changes; and to repeal the original sections.

MOTION - Return LB 472A to Committee

The Education Committee moved that pursuant to Rule 6, Section 8, part (b) the Legislature recommit LB 472A to the Education Committee for the purpose of a public hearing.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 11 nays, 5 present and not voting, and 12 excused and not voting.

Mr. Stoney asked unanimous consent to bracket LB 472A until March 15, 1982.

Mr. Koch objected.

Mr. Stoney moved to bracket LB 472A until March 15, 1982.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

The Stoney motion lost with 15 ayes, 25 nays, 4 present and not voting, and 5 excused and not voting.

The Education Committee's motion prevailed with 26 ayes, 8 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION - Approve Appointment

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in Journal on page 177: Calvin L. Coulter.

Voting in the affirmative, 40:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Vickers

Von Minden	Wagner	Warner	Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Chambers	Schmit	Sieck	Stoney

Excused and not voting, 4:

Burrows	Cullan	Marsh	Nichol

The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Education

LB 587	Monday, January 18, 1982	1:30 p.m.
LB 628	Monday, January 18, 1982	1:30 p.m.
LB 688	Monday, January 18, 1982	1:30 p.m.
LB 607	Monday, January 25, 1982	1:30 p.m.
LB 652	Monday, January 25, 1982	1:30 p.m.
LB 472A	Monday, January 25, 1982	1:30 p.m.

(Signed) Jerry Koch, Chairperson

Banking, Commerce and Insurance

Governor's Appointments
Tuesday, January 1982, 1:30 p.m.
Max Kiburz
Buck Balok

(Signed) John DeCamp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 766. By Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Apking, 32nd District; Higgins, 9th District; H. Peterson, 35th District; Pirsch, 10th District; Vickers, 38th District; Carsten, 2nd District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 3, of the Constitution of Nebraska, relating to the sale of real estate for nonpayment of taxes or special assessments; to limit the right of redemption to a period of six months for real estate located in incorporated cities and villages; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

ANNOUNCEMENT

Mr. Carsten announced that he brought apples from Nebraska City for the members.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 664. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to add his name as co-introducer to LB 689. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 387. Mr. Rumery requested to have LB 387 passed over.

SPEAKER MARVEL PRESIDING

MOTION - Withdraw LB 426

Mr. Dworak moved to withdraw LB 426.

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 281. Mr. Chambers requested to have LB 281 passed over.

LEGISLATIVE BILL 309. Title read. Considered.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 455. Mr. Fowler requested to have LB 455 passed over.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 498. Title read. Considered.

Standing Committee amendments found in the Journal on page 899 for the Forty-Third Day, First Session, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Failed to advance to E & R for Review with 12 ayes, 28 nays, 5 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 404A in the Journal. No objections. So ordered.

PURPOSE: To correct the expenditure limit for salaries and to provide a fiscal year 1983-84 appropriation pursuant to new Rule 8, Section 5.
AMENDMENT:
On page 2, in line 1 after "appropriated", insert "(1)"; in line 3, after "1983,", insert "and (2) twenty thousand three hundred sixty dollars from the General Fund for the period July 1, 1983, to June 30, 1984,"; in lines 8 and 9, strike "not exceed sixteen thousand three hundred seventeen dollars." and insert "neither exceed fourteen thousand three hundred eleven dollars for the period July 1, 1982 to June 30, 1983, nor fifteen thousand three hundred thirteen dollars for the period July 1, 1983 to June 30, 1984."; in line 10 after "appropriated", insert "(1)"; in line 13 after "1983,", insert "and (2) three million two hundred thirty eight thousand three hundred forty

nine dollars for the period July 1, 1983 to June 30, 1984,"; in line 17, after "3.", insert "(1)"; in line 18 after "act", insert "for the period July 1, 1982 to June 30, 1983,". Redesignate subdivisions (1) through (7) on page 2 as (a) through (g); redesignate subdivision (8) on page 3 as subdivision (h).

On page 3, after line 1, insert "(2) Funds appropriated in section 2 of this act for the period July 1, 1983 to June 30, 1984, shall be distributed among the area Agencies on Aging as follows:

(a) Area Agency on Aging Region A	$455,000
(b) Area Agency on Aging Region B	486,564
(c) Area Agency on Aging Region C	635,165
(d) Area Agency on Aging Region F	203,482
(e) Area Agency on Aging Region G	365,667
(f) Area Agency on Aging Region H	195,000
(g) Area Agency on Aging Region J	758,471
(h) Area Agency on Aging Region L	139,000"

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 767. By Schmit, 23rd District.
This bill introduced on behalf of : People.

A BILL FOR AN ACT to amend sections 81-909, 81-912, 81-914, and 81-916 to 81-918, Revised Statutes Supplement, 1981, relating to state administrative departments; to provide for a transfer of duties and personnel from the Military Department to the Department of Correctional Services; to repeal the original sections; and to declare an emergency.

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will conduct a meeting Tuesday morning at 9:00 a.m., January 12, 1982 under the North Balcony.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Fowler asked unanimous consent to have his name added as co-introducer to LB 628. No objections. So ordered.

Mr. Stoney asked unanimous consent to have his name added as co-introducer to LB 607. No objections. So ordered.

STANDING COMMITTEE REPORT
Revenue

The Committee on Revenue desires to report favorably upon the appointment of Mr. Donald Leuenberger, State Tax Commissioner, Nebraska Department of Revenue. The Committee on Revenue suggests the appointment be confirmed by the Legislature and suggests a record vote.

VOTE: For: Senators Carsten, Hefner, V. Johnson, Kahle, Newell, Wagner. Against: None. Absent: Senators Burrows and H. Peterson.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 126. Mr. DeCamp requested to have LB 126 passed over.

LEGISLATIVE BILL 115. Mr. Fowler requested to have LB 115 passed over.

LEGISLATIVE BILL 115A. Mr. Fowler requested to have LB 115A passed over.

LEGISLATIVE BILL 440. Title read. Considered.

Standing Committee amendments found in the Journal on page 928 for the Forty-Fourth Day, First Session, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Hoagland asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MR. CLARK PRESIDING

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Miss Kilgarin requested a record vote on the advancement of the bill.

Voting in the affirmative, 13:

Beutler
Burrows
Cope
Dworak
Fowler
Kilgarin
Koch
Landis
Newell
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Beyer
Carsten
Chronister
Clark
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden

Present and not voting, 10:

Barrett
Chambers
Duda
Fenger
Goodrich
Johnson, V.
Labedz
Marvel
Pirsch
Wagner

Excused and not voting, 5:

Cullan
DeCamp
Hoagland
Marsh
Nichol

Failed to advance to E & R for Review with 13 ayes, 21 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 115A in the Journal. No objections. So ordered.

PURPOSE: To update the appropriation year, and to provide second year funding pursuant to Legislative Rule 8.
AMENDMENT:

On page 2, in line 3, strike "1981" and insert "1982"; in line 4, strike "1982" and insert "1983", and after the first coma, insert "fourteen thousand fifty-five dollars from the General Fund for the period July 1, 1983, to June 30, 1984,".

Mr. Lamb asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

1. On page 2, strike the new matter in lines 10 through 15.

2. Insert new sections as follows:

"Sec. 2. For the registration of trucks, truck-tractors, or combinations of trucks or truck-tractors and trailers or semitrailers which are not for hire and are used exclusively for transporting well-boring apparatus to and from the well site, including the drill stem, casing, drilling mud, pumps, and related equipment, well-site excavating machinery or equipment, the well rig, boom truck, and water tank truck, the registration fee shall be one-twelfth of the regular commercial registration fee as determined by gross weight as defined in section 60-331. Such fee shall be collected and distributed in the same manner as other motor vehicle fees.

Sec. 3. Any person using a vehicle registered pursuant to section 2 of this act for any purpose not specifically authorized by such section shall be guilty of a Class IV misdemeanor and shall be required to register such vehicle as a commercial vehicle for the entire year in which the violation occurred.".

3. Renumber original section 2 as section 4.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 488A. By Goodrich, 20th District.
This bill introduced on behalf of: LB 488.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 768. By Higgins, 9th District.
This bill introduced on behalf of: Nursing Home Residents.

A BILL FOR AN ACT to adopt the Nebraska Nursing Home Act; to provide for the regulation of nursing homes; to state intent; to harmonize provisions; to amend sections 71-2024 and 71-2040, Reissue Revised Statutes of Nebraska, 1943, section 71-2028, Revised Statutes Supplement, 1980, and section 71-2017, Revised Statutes Supplement, 1981; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 769. By Wesely, 26th District; Warner, 25th District.
This bill introduced on behalf of: taxpayers of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, by the addition of a new section and an amendment of sections 1 and 28 of Article IV, of the Constitution of Nebraska, relating to public accounts; to eliminate the Auditor of Public Accounts as a constitutional officer and to eliminate references thereto; to provide that the Legislature shall be responsible for auditing public accounts; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 770. By Beutler, 28th District.
This bill introduced on behalf of: Taxpayers of Nebraska.

A BILL FOR AN ACT to amend sections 77-2301 and 77-2309, Reissue Revised Statutes of Nebraska, 1943, relating to state funds; to provide duties for the State Treasurer; to require the letting of bids for bank services; to limit the number of banks providing certain services to the state; and to repeal the original sections.

LEGISLATIVE BILL 771. By Warner, 25th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to water; to provide intent; to provide for a special water master; to provide qualifications; to provide duties; to provide permit requirements for interbasin water transfers; to amend sections 33-105 and 46-289, Revised Statutes Supplement, 1981; to impose a fee; to change certain permit factors considered; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

LB	Committee
731	Public Works
732	Business and Labor
733	Judiciary
734	Revenue
735	Constitutional Revision and Recreation
736	Education
737	Education
738	Banking, Commerce and Insurance
739	Public Works
740	Revenue
741	Revenue
742	Public Works
744	Government, Military and Veterans Affairs
745	Judiciary
746	Government, Military and Veterans Affairs
747	Judiciary

748	Government, Military and Veterans Affairs
749	Judiciary
750	Public Works
751	Banking, Commerce and Insurance
752	Public Works
753	Revenue
754	Appropriations
755	Appropriations
756	Appropriations
757	Revenue
758	Appropriations
759	Public Works
760	Revenue
761	Appropriations

(Signed) Howard Lamb, Chairperson

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, January 12, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 12, 1982

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 12, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 12, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Chambers, Landis, Newell, Schmit, Sieck, Stoney, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 221, line 21, insert "January 19, 1982".
The Journal for the Fourth Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Administrative Rules and Regulations Review

LB 649	Tuesday, January 19, 1982	12:00 noon

(Signed) Vard Johnson, Chairperson

Judiciary

LB 716	Wednesday, January 20, 1982	1:30 p.m.
LB 725	Wednesday, January 20, 1982	1:30 p.m.
LB 677	Monday, January 25, 1982	1:30 p.m.
LB 679	Monday, January 25, 1982	1:30 p.m.
LB 691	Monday, January 25, 1982	1:30 p.m.
LB 705	Monday, January 25, 1982	1:30 p.m.

LB 718	Tuesday, January 26, 1982	1:30 p.m.
LB 719	Tuesday, January 26, 1982	1:30 p.m.
LB 721	Tuesday, January 26, 1982	1:30 p.m.
LB 722	Tuesday, January 26, 1982	1:30 p.m.
LB 724	Tuesday, January 26, 1982	1:30 p.m.
LB 715	Wednesday, January 27, 1982	1:30 p.m.
LB 717	Wednesday, January 27, 1982	1:30 p.m.
LB 720	Wednesday, January 27, 1982	1:30 p.m.
LB 723	Wednesday, January 27, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

REPORT

Received report from Auditor of Public Accounts for the following agencies:

Nebraska Educational Television Commission; Department of Water Resources; Nebraska Commission on Status of Women; State Fire Marshal; Legislative Council; Nebraska Liquor Control Commission; Workmen's Compensation Court; Mexican-American Commission; Nebraska Investment Council; District Courts; Nebraska Library Commission; Department of Administrative Services.

SELECT FILE

LEGISLATIVE BILL 664. Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 197. Read. Considered.

LR 197 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 200. Read. Considered.

LR 200 was adopted with 42 ayes, 0 nays, and 7 not voting.

LEGISLATIVE RESOLUTION 203. Read. Considered.

Mr. Newell asked unanimous consent to have his name added as co-introducer to LR 203. No objections. So ordered.

LR 203 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 204.

Introduced by Vickers, 38th District; Barrett, 39th District.

WHEREAS, the production of pork is a major industry in the state which is responsible for a sizeable portion of the state's personal income, numerous jobs in food related industries and a nutritious and delicious source of food; and

WHEREAS, annually the Nebraska Pork Producers' Association at the annual convention chooses a Pork Queen based on knowledge of the pork industry, deportment and speaking ability; and

WHEREAS, the Nebraska Pork Producers' Association has named Verlyne Dannehl of rural Gosper County as the 1982 Nebraska Pork Queen;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature extends its congratulations to Verlyne and her parents Willard and Janet Dannehl.
2. That the Nebraska Legislature wishes Verlyne the best of luck in fulfilling her duties as Pork Queen and in the National Competition at the American Pork Congress in St. Louis in 1983.
3. That a copy of this Resolution be presented to Verlyne Dannehl, Willard and Janet Dannehl, and the Nebraska Pork Producers' Association.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

(Amendments printed separate and on file in the Clerk's Office - Req. #2505.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 772. By Clark, 47th District; Nichol, 48th District.
This bill introduced on behalf of: oil and gas commission.

A BILL FOR AN ACT to adopt the Nebraska Mining and Reclamation Act; and to declare an emergency.

LEGISLATIVE BILL 773. By Newell, 13th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska, relating to revenue; to prohibit the imposition of a sales or use tax on food for a prescribed period; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 774. By Education Committee: Koch, 12th District, Chairperson; Vickers, 38th District; Beutler, 28th District; Wiitala, 31st District; Kremer, 34th District; Hoagland, 6th District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 79-1254.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for hearings before terminating or amending certain contracts; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 75. Mrs. Labedz requested to have LB 75 passed over.

LEGISLATIVE BILL 75A. Mrs. Labedz requested to have LB 75A passed over.

LEGISLATIVE BILL 417. Title read. Considered.

Standing Committee amendments, Req. #2143, found in the Journal on page 857, First Session, and considered on page 1685, First Session, were renewed.

Mr. Cullan requested a division of the question on the Standing Committee amendments.

The Chair sustained the division.

Standing Committee amendments 1, 3, 4, 5, and 6 lost with 0 ayes, 26 nays, 22 present and not voting, and 1 excused and not voting.

Standing Committee amendment 2 was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. Marsh offered the following amendment:

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

The Marsh amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

MR. CLARK PRESIDING

Advanced to E and R for Review with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Standing Committee amendments found in the Journal on page 888 for the Forty-Second Day, First Session, were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 30 ayes, 6 nays, and 13 present and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 775. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Schmit, 23rd District; Haberman, 44th District; Duda, 14th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 21-17,116, Reissue Revised Statutes of Nebraska, 1943, and section 21-17,120.01, Revised Statutes Supplement, 1981, relating to credit unions; to remove a limitation on group life insurance policies; to provide state credit unions with the same privileges as federal credit unions; and to repeal the original sections.

LEGISLATIVE BILL 776. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Schmit, 23rd District; Haberman, 44th District; Duda, 14th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to state-chartered financial institutions; to require certain institutions to maintain insurance or guaranty of their shares, savings, or deposits, as prescribed.

LEGISLATIVE BILL 777. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Haberman, 44th District; Duda, 14th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to insurance; to prohibit certain rules and regulations as prescribed; and to provide duties for the Director of Insurance.

LEGISLATIVE BILL 778. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Schmit, 23rd District; Haberman, 44th District; Duda, 14th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend section 45-101.03, Revised Statutes Supplement, 1980, relating to interest; to provide for variable interest rates on certain loans; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 779. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Landis, 46th District; Schmit, 23rd District; Haberman, 44th District; Duda, 14th District; Remmers, 1st District; Labedz, 5th District; Clark, 47th District.
This bill introduced on behalf of: Nebraska Bankers Association.

A BILL FOR AN ACT to amend sections 8-147 and 8-148.02, Reissue Revised Statutes of Nebraska, 1943, section 8-152, Revised Statutes Supplement, 1980, and section 8-823, Revised Statutes Supplement, 1981, relating to banks and banking; to change the amount of loans and investments permitted as prescribed; to change certain provisions relating to real estate loans; to provide for unequal payments on certain personal loans; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 780. By V. Johnson, 8th District.
This bill introduced on behalf of: taxpayers.

A BILL FOR AN ACT relating to courts; to amend sections 24-319 and 24-321, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to actions against the state; to require a bond; to allow attorney's fees; and to repeal the original sections.

LEGISLATIVE BILL 781. By V. Johnson, 8th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 29-1912, 29-1913, 29-1917, 29-1922, 29-1923, and 29-1924, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for discovery in misdemeanor cases as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 782. By Marvel, 33rd District.
This bill introduced on behalf of: Sheriff's Office Merit Commission.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, and 23-1723.01, Reissue Revised Statutes of Nebraska, 1943, relating to sheriffs; to change provisions relating to a sheriff's office merit commission in certain counties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 783. By Beutler, 28th District.
This bill introduced on behalf of: taxpayers of Nebraska.

A BILL FOR AN ACT to amend section 43-666, Revised Statutes Supplement, 1980, relating to children; to change provisions relating to enforcement and appeal of certain orders; and to repeal the original section.

LEGISLATIVE BILL 784. By Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; R. Peterson, 21st District; Fowler, 27th District; DeCamp, 40th District; Haberman, 44th District; Koch, 12th District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 84-906.03, Revised Statutes Supplement, 1981, relating to state officers; to relieve the Revisor of

Regulations of certain duties; to harmonize provisions; and to repeal the original section, and also section 84-906.06, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 785. By Koch, 12th District.
This bill introduced on behalf of: State of Nebraska.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1981, relating to motor vehicles; to change certain provisions relating to license plates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 786. By Schmit, 23rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend sections 2-3311 and 2-3323, Reissue Revised Statutes of Nebraska, 1943, sections 2-3622 and 2-3634, Revised Statutes Supplement, 1980, and sections 2-2304, 2-2317, 2-2318, 2-2321, 2-4011, and 2-4019, Revised Statutes Supplement, 1981, relating to agriculture; to remove the Director of Agriculture from the Nebraska Wheat Development, Utilization, and Marketing Board; to change provisions relating to the powers and duties of certain wheat, corn, soybean, and milo boards as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 787. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Chronister, 18th District; Von Minden, 17th District; Beyer, 3rd District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT to amend sections 43-246, 43-247, 43-249, 43-250, 43-252, 43-253, 43-255, 43-256, 43-261, 43-271, 43-272, 43-277, 43-279, 43-281, 43-286, 43-288, and 43-290, Revised Statutes Supplement, 1981, relating to the Nebraska Juvenile Code; to clarify provisions relating to construction of the code, jurisdiction of the court, procedures, custody, and transfers from certain courts; to provide for guardians ad litem as prescribed; to harmonize provisions; to change provisions relating to disposition; to repeal the original sections, and also section 43-260, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 788. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Pirsch, 10th District; Chronister, 18th District; Von Minden, 17th District; Beyer, 3rd District.

This bill introduced on behalf of: Department of Corrections, Parole Board, Attorney General.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 25-213, 83-170, 83-196, 83-1,104, 83-1,105, 83-1,107, 83-1,108, 83-1,120, 83-1,121, 83-1,123, 83-918, and 83-920, Reissue Revised Statutes of Nebraska, 1943, section 83-184, Revised Statutes Supplement, 1980, and section 83-192, Revised Statutes Supplement, 1981; to change provisions relating to the statute of limitations for prisoners; to define terms; to change provisions relating to furloughs and release of prisoners as prescribed; to provide duties; to change duties of the Board of Parole; to harmonize provisions; to change provisions relating to reduction of sentence; to provide procedure for establishing the date of parole; to change provisions relating to revocation of parole; to provide an operative date; and to repeal the original sections, and also sections 83-1,107.01 and 83-1,110 to 83-1,119, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 789. By Kilgarin, 7th District.
This bill introduced on behalf of: Education Committee.

A BILL FOR AN ACT to amend section 79-1248, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to require the approval of certain contract forms; and to repeal the original section, and also section 79-1250, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARINGS
Public Works

Governor's Appointments
Wednesday, January 20, 1982 1:15 p.m.
J. Michael Jess - Director, Department of Water Resources
Duane W. Acklie - State Highway Commission

Thursday, February 25, 1982 1:00 p.m.
Harold Peterson - Nebraska Highway Bond Commission
Babette Prostok - State Highway Commission
Merle Kingsbury - State Highway Commission

LB 673	Wednesday, January 20, 1982	1:30 p.m.
LB 613	Wednesday, January 20, 1982	1:30 p.m.
LB 661	Wednesday, January 20, 1982	1:30 p.m.

LB 573	Wednesday, January 27, 1982	1:30 p.m.
LB 633	Wednesday, January 27, 1982	1:30 p.m.
LB 731	Wednesday, January 27, 1982	1:30 p.m.
LB 608	Thursday, January 28, 1982	1:30 p.m.
LB 669	Thursday, January 28, 1982	1:30 p.m.
LB 670	Thursday, January 28, 1982	1:30 p.m.
LB 644	Friday, January 29, 1982	1:30 p.m.
LB 739	Friday, January 29, 1982	1:30 p.m.
LB 611	Wednesday, February 3, 1982	1:30 p.m.
LB 655	Wednesday, February 3, 1982	1:30 p.m.
LB 742	Wednesday, February 3, 1982	1:30 p.m.
LB 700	Thursday, February 4, 1982	1:30 p.m.
LB 726	Thursday, February 4, 1982	1:30 p.m.
LB 750	Thursday, February 4, 1982	1:30 p.m.
LB 645	Friday, February 5, 1982	1:30 p.m.
LB 660	Friday, February 5, 1982	1:30 p.m.
LB 752	Friday, February 5, 1982	1:30 p.m.
LB 694	Wednesday, February 10, 1982	1:30 p.m.
LB 759	Wednesday, February 10, 1982	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Judiciary

LB 733	Tuesday, January 19, 1982	1:30 p.m.
LB 747	Tuesday, January 19, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 139 in the Journal. No objections. So ordered.

(Amendment to Standing Committee Amendment)

1. On page 884 of the Journal, page 1, strike beginning with "based" in line 6 through the period in line 13 and insert "fifty thousand dollars.".

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 416. Indefinitely postponed.
LEGISLATIVE BILL 474. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 770. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 607. No objections. So ordered.

MOTION - Withdraw LB 570

Mr. Haberman moved to withdraw LB 570.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 261. Mr. Cullan requested to have LB 261 passed over.

LEGISLATIVE BILL 418. Title read. Considered.

Advanced to E & R for Review wth 28 ayes, 3 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 267. Mr. R. Peterson requested to have LB 267 passed over.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 490. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 444. Mr. Kahle requested to have LB 444 passed over.

LEGISLATIVE BILL 542. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 424. Mr. Rumery requested to have LB 424 passed over.

LEGISLATIVE BILL 230. Mr. Fowler requested to have LB 230 passed over.

LEGISLATIVE BILL 511. Title read. Considered.

Standing Committee amendment found in the Journal on page 1014 for the Forty-Seventh Day, First Session, was considered.

Mr. Lamb moved to reject the Standing Committee amendment.

The Lamb motion prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment found in the Journal on page 226.

The Lamb amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 415. Mr. Cullan requested to have LB 415 passed over.

LEGISLATIVE BILL 338. Title read. Considered.

Standing Committee amendments found in the Journal on page 1041 for the Forty-Seventh Day, First Session, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Kahle asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
Amend Section 3, line 22 by adding the words "foreign language, history" after "arts," in such line.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beutler
Carsten
Chambers
Chronister
Duda
Dworak
Fowler
Johnson, L.
Johnson, V.
Kilgarin
Kremer
Marsh
Peterson, H.
Pirsch
Sieck
Wesely

Voting in the negative, 26:

Apking
Barrett
Beyer
Burrows
Clark
Fenger
Goll
Haberman
Hefner
Hoagland
Koch
Labedz
Lamb
Landis
Marvel
Newell
Nichol
Peterson, R.
Remmers
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 3:

Cope
Goodrich
Higgins

Excused and not voting, 2:

DeCamp
Kahle

Absent and not voting, 2:

Cullan
Schmit

The V. Johnson amendment lost with 16 ayes, 26 nays, 3 present and not voting, 2 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 210. Placed on General File.

LEGISLATIVE BILL 319. Indefinitely postponed.

The Education Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments listed below which were present at a public hearing on Thursday, January 7, 1982. The Education Committee suggests the appointments be confirmed by the Nebraska Legislature.

Gene Moody - Educational Lands and Funds
Henry Krugg - Educational Lands and Funds

Voting aye: Senators Koch, Goll, Lamb, Vickers, Wiitala. Present and not voting: Senator Beutler. Absent and not voting: Senators Hoagland and Kremer.

(Signed) Jerry D. Koch, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Tuesday, January 12, 1982	4:00 p.m.
Thursday, January 14, 1982	12:00 noon
Friday, January 15, 1982	2:00 p.m.

(Signed) Jerome Warner, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 790. By Beyer, 3rd District; Duda, 14th District.
This bill introduced on behalf of: Fire Chiefs.

A BILL FOR AN ACT to amend section 81-520.01, Revised Statutes Supplement, 1980, relating to the State Fire Marshal; to provide an open burning ban as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 791. By Beyer, 3rd District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 53-177, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to change certain restrictions relating to retail liquor sales; and to repeal the original section.

LEGISLATIVE BILL 792. By Judiciary Committee: Nichol, 48th District, Chairperson; Kilgarin, 7th District; Chronister, 18th District; Von Minden, 17th District; Sieck, 24th District; Beyer, 3rd District; Pirsch, 10th District.;
This bill introduced on behalf of: State Fire Marshal.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1981, relating to the State Fire Marshal; to provide for applicability of certain provisions as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 793. By Fenger, 45th District; Hefner, 19th District.
This bill introduced on behalf of: People of State of Nebraska.

A BILL FOR AN ACT relating to motor vehicle fuel; to provide a purchase option for motor vehicle fuel purchasers.

LEGISLATIVE BILL 794. By Stoney, 4th District.
This bill introduced on behalf of: All Nebraskans.

A BILL FOR AN ACT to amend section 60-406.04, Revised Statutes Supplement, 1981, relating to motor vehicles; to provide for a distinctive operator's license to be used by minors; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

Strike sec. 8.

RECESS

At 12:05 p.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Cullan, DeCamp, Fowler, Goodrich, Haberman, Hoagland, Newell, Nichol, Rumery, Schmit, Warner, and Wiitala who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 795. By Wesely, 26th District; Warner, 25th District.
This bill introduced on behalf of: Taxpayer's of Nebraska

A BILL FOR AN ACT relating to public audits; to amend sections 32-304, 32-1001.37, 32-1044, 49-1436, 49-1444, 49-1493, 50-702, 81-1316, 84-205, 84-304.01, 84-304.02, 84-312, 84-315, 84-321, and 84-803, Reissue Revised Statutes of Nebraska, 1943, and sections 11-119, 84-304, 84-304.03, 84-721, and 84-801, Revised Statutes Supplement, 1980; to provide for a public auditor; to change provisions relating to the duties of the Performance Review and Audit Committee; to provide for an appointment; to harmonize provisions; to transfer duties, records, and equipment from the Auditor of Public Accounts; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also section 84-314, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 796. By Koch, 12th District.
This bill introduced on behalf of: State Educational Institutions.

A BILL FOR AN ACT to amend section 85-502, Revised Statutes Supplement, 1980, relating to state educational institutions; to change certain provisions relating to residency requirements as prescribed; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 338. Considered.

Mr. Koch requested a record vote on the advancement of the bill.

Voting in the affirmative, 18:

Burrows
Chambers
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Rumery
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 26:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Peterson, H.
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wagner

Excused and not voting, 5:

DeCamp
Goodrich
Nichol
Pirsch
Schmit

Failed to advance to E & R for Review with 18 ayes, 26 nays, and 5 excused and not voting.

LEGISLATIVE BILL 202. Mr. Fowler requested to have LB 202 passed over.

LEGISLATIVE BILL 423. Title read. Considered.

Standing Committee amendments, Req. #2208, found in the Journal on page 1060 for the Forty-Eighth Day, First Session, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

MR. CLARK PRESIDING

Mr. Sieck moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

SPEAKER MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 192. Title read. Considered.

Standing Committee amendments, found in the Journal on page 1073 for the Forty-Eighth Day, First Session, and considered on page 1692, First Session, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw the Kilgarin-Hoagland-Vickers pending amendment found in the Journal on page 1692, First Session. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 118.

The Vickers amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
Strike the words "is not required to" in line 17, page 2 and substitute the words "shall not" therefrom.

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 340. Title read. Considered.

Standing Committee amendments found in the Journal on page 1074 for the Forty-Eighth Day, First Session, were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Failed to advance to E & R for Review with 15 ayes, 21 nays, 12 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 672	Thursday, January 28, 1982	1:30 p.m.
LB 634	Thursday, January 28, 1982	1:30 p.m.
LB 706	Thursday, January 28, 1982	1:30 p.m.
LB 588	Friday, January 29, 1982	1:30 p.m.
LB 735	Friday, January 29, 1982	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

Education

LB 572	Tuesday, January 19, 1928	1:30 p.m.
LB 650	Tuesday, January 19, 1982	1:30 p.m.
LB 654	Tuesday, January 19, 1982	1:30 p.m.

(Signed) Jerry Koch, Chairperson

Public Health and Welfare

LB 635	Monday, January 18, 1982	1:30 p.m.
LB 703	Monday, January 18, 1982	1:30 p.m.
LB 667	Tuesday, January 19, 1982	1:30 p.m.
LB 684	Tuesday, January 19, 1982	1:30 p.m.
LB 714	Tuesday, January 19, 1982	1:30 p.m.

Governor Appointments
Monday, January 18, 1982 1:30 p.m.
Mr. Ken Wall - Director, Health Manpower Referral Service
Dr. Ronald Houser - State Board of Health

(Signed) Samuel K. Cullan, Chairperson

SELECT COMMITTEE REPORT

Enrollment and Review

The following bill was correctly engrossed: LB 664.

(Signed) Karen Kilgarin, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 797. By Vickers, 38th District.
This bill introduced on behalf of: Nebraska Department of Education.

A BILL FOR AN ACT to amend section 79-701, Revised Statutes Supplement, 1980, relating to schools; to change provisions relating to discontinuance of Class II districts as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hefner and Wagner asked unanimous consent to print the following amendment to LB 255 in the Journal. No objections. So ordered.

(1) On page 2, line 9, strike "1981" and insert "1982"
(2) On page 3, line 20 strike "one million"; and insert "250 thousand".

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 131. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2506.)

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Goll, Koch, and Hefner asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 341. Title read. Considered.

Standing Committee amendments found in the Journal on page 1074 for the Forty-Eighth Day, First Session, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Hoagland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler
Burrows
Chambers
Cope
Cullan
DeCamp
Fowler
Goodrich
Higgins
Hoagland
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Rumery
Vickers
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Duda
Dworak
Fenger
Haberman
Johnson L.
Johnson V.
Kahle
Kremer
Lamb
Marvel
Peterson H.
Peterson R.
Schmit
Stoney
Von Minden
Wagner
Warner

Excused and not voting, 4:

Goll
Hefner
Koch
Sieck

Failed to advance to E & R for Review with 22 ayes, 23 nays, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 231. Title read. Considered.

Standing Committee amendment found in the Journal on page 1073 for the Forty-Eighth Day, First Session, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 98. Mr. Vickers requested to have LB 98 passed over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

Strike section 81-8,275.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 798. By Beyer, 3rd District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, by amending sections 4, 7, 10, 20, and 21, of the Constitution of Nebraska, and by adding thereto a new section 15, relating to the judiciary; to provide for election of judges; to harmonize provisions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

GENERAL FILE

LEGISLATIVE BILL 226. Mr. Haberman requested to have LB 226 passed over.

LEGISLATIVE BILL 226A. Mr. Haberman requested to have LB 226A passed over.

LEGISLATIVE BILL 454. Title read. Considered.

MR. CLARK PRESIDING

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 304. Title read. Considered.

Standing Committee amendment found in the Journal on page 1086 for the Forty-Ninth Day, First Session, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 799. By DeCamp, 40th District; Wesely, 26th District; Fowler, 27th District; Nichol, 48th District; Haberman, 44th District; Kilgarin, 7th District.
This bill introduced on behalf of: People of the State of Nebraska.

A BILL FOR AN ACT relating to energy; to amend sections 66-1004, 66-1005, 66-1009, 66-1015, 66-1016, 81-1609, 81-1616, 81-1619, 81-1621, and 81-1623, Revised Statutes Supplement, 1980, and sections 66-1021, 66-1022, 66-1025, 81-1618, 81-1627, 81-1628, 81-1632, 81-1633, and 81-1634, Revised Statutes Supplement, 1981; to redefine terms; to change provisions relating to certain loans; to change provisions relating to certain sales and use tax refunds; to define terms; to change provisions relating to lighting and thermal efficiency standards as prescribed; to provide for fees; to change fees; to change provisions relating to energy audits; to change provisions relating to energy efficiency grants; and to repeal the original sections, and also section 66-1014, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 800. By V. Johnson, 8th District.
This bill introduced on behalf of: Nebraska Association of Public Employees.

A BILL FOR AN ACT relating to state employees; to authorize the provision of day care services as prescribed.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 746. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LR 199 in the Journal. No objections. So ordered.

1. Strike third "whereas", and insert : "the governments of Poland and South Africa are attempting to suppress the free labor movement in those countries through totalitarian means;"

2. In fourth "whereas", strike semicolon after Poland and add: "and South Africa"

3. In the "resolve", after Union, add: "and advocates similar sanctions against South Africa"; After Poland, strike period and add: "and South Africa".

Mrs. Marsh asked unanimous consent to print the following amendment to LB 69 in the Journal. No objections. So ordered.

1. On page 2, line 10, after "act" insert " or using an existing seat safety belt for children over age one".

2. In the second DeCamp amendment on page 431 of the 1981 Journal after "39-602." insert "The fine for such infraction shall be waived upon the person convicted of violating section 1 of this act acquiring and proving to the court that he or she has purchased or acquired an approved child passenger restraint system.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 762 through 794, and LR 202.

LB 743 was referred to Revenue; LB 749 was rereferred to Business and Labor.

LB	**Committee**
743	Revenue
749	Business and Labor
762	Public Health and Welfare
763	Public Works
764	Business and Labor
765	Business and Labor
766	Constitutional Revision and Recreation
767	Government, Military and Veterans Affairs
768	Public Health and Welfare
769	Constitutional Revision and Recreation
770	Revenue
771	Public Works
772	Public Works
773	Constitutional Revision and Recreation
774	Education
775	Banking, Commerce and Insurance
776	Banking, Commerce and Insurance
777	Banking, Commerce and Insurance
778	Banking, Commerce and Insurance
779	Banking, Commerce and Insurance
780	Judiciary

781	Judiciary
782	Government, Military and Veterans Affairs
783	Judiciary
784	Administrative Rules and Regulations Review
785	Public Works
786	Agriculture and Environment
LR 202	Public Works
787	Judiciary
788	Judiciary
789	Education
790	Government, Military and Veterans Affairs
791	Miscellaneous Subjects
792	Administrative Rules and Regulations Review
793	Revenue
794	Public Works

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

VISITORS

Visitors to the Chamber were 65 adults from Cenex, a Co-op Farm Organization, from Minnesota.

ADJOURNMENT

At 4:00 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Wednesday, January 13, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 13, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 13, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch, Messrs. Burrows, Chambers, Fowler, Goodrich, V. Johnson, Newell, Nichol, R. Peterson, Schmit, Stoney, Vickers, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 603	Wednesday, January 20, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

Government, Military and Veterans Affairs

LB 729	Thursday, January 28, 1982	1:30 p.m.
LB 662	Thursday, January 28, 1982	1:30 p.m.
LB 639	Friday, January 29, 1982	1:30 p.m.
LB 711	Friday, January 29, 1982	1:30 p.m.
LB 704	Friday, January 29, 1982	1:30 p.m.

(Signed) Martin Kahle, Chairperson

ANNOUNCEMENT

Speaker Marvel directed that LB 126 be moved from Passed Over to General File.

MR. CLARK PRESIDING

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 801. By Business and Labor Committee: Barrett, 39th District, Chairperson; Apking, 32nd District; Wiitala, 31st District; R. Peterson, 21st District; Goll, 16th District; Labedz, 5th District; Vickers, 38th District.
This bill introduced on behalf of: Nebraska Department of Labor.

A BILL FOR AN ACT to amend section 48-647, Reissue Revised Statutes of Nebraska, 1943, section 48-625, Revised Statutes Supplement, 1980, and sections 48-628, 48-628.02, and 48-628.03, Revised Statutes Supplement, 1981, relating to employment security; to change provisions relating to qualifications for benefits; to change provisions relating to the computations of benefits; to redefine terms; to change provisions relating to extended benefits; to provide for payment of child support from benefits; and to repeal the original sections.

MOTION - Withdraw LB 570

Mr. Haberman renewed his pending motion found in the Journal on page 240 to withdraw LB 570.

The motion prevailed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

MOTION - Approve Appointments

Mr. Carsten moved the adoption of the report of the Revenue Committee for the following Governor appointment found in the Journal on page 225: Mr. Donald Leuenberger - State Tax Commissioner, Nebraska Department of Revenue.

Voting in the affirmative, 27:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Dworak
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Warner

Voting in the negative, 0.

Present and not voting, 10:

Apking
Beutler
Cullan
DeCamp
Fenger
Higgins
Kilgarin
Labedz
Marvel
Wagner

Excused and not voting, 12:

Burrows
Chambers
Fowler
Johnson, V.
Newell
Nichol
Pirsch
Schmit
Stoney
Vickers
Wesely
Wiitala

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Koch moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 243: Gene Moody and Henry Krugg - Educational Lands and Funds.

Voting in the affirmative, 28:

Apking
Barrett
Beyer
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hoagland
Johnson, L.
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Rumery
Sieck
Von Minden
Wagner
Warner

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Carsten
Chronister
Cullan
Hefner
Higgins
Kahle
Labedz
Remmers

Excused and not voting, 12:

Burrows
Chambers
Fowler
Johnson, V.
Newell
Nichol
Pirsch
Schmit
Stoney
Vickers
Wesely
Wiitala

The appointments were confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

MOTION - Approve Committee Report

Mrs. Marsh moved the adoption of the report of the Committee on Committees for the following found in the Journal on page 138-139:
Dave Newell - Government, Military and Veterans Affairs
Vard Johnson - Miscellaneous Subjects

Mrs. Marsh moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mrs. Marsh requested a roll call vote on the report.

Voting in the affirmative, 20:

Beutler
Burrows
DeCamp
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Sieck
Wagner
Wesely

Voting in the negative, 25:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Haberman
Higgins
Johnson, L.
Kremer
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Warner

Present and not voting, 1:

Hefner

Excused and not voting, 3:

Chambers
Vickers
Wiitala

The Committee on Committees report lost with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 802. By Nichol, 48th District.
This bill introduced on behalf of: Attorneys.

A BILL FOR AN ACT to amend section 71-644, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to change a provision relating to amending birth and death certificates; and to repeal the original section.

LEGISLATIVE BILL 803. By Carsten, 2nd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT for submission to the electors of an amendment to Article IV, section 20, of the Constitution of Nebraska, relating to the Public Service Commission; to provide that members of the Public Service Commission shall be appointed by the Governor; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 804. By Cullan, 49th District.
This bill introduced on behalf of: People of Nebraska.

A BILL FOR AN ACT to amend section 45-103, Revised Statutes Supplement, 1981, relating to interest; to change the date of accrual of interest; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 628. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 69. Title read. Considered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 253.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 400. Mr. Lamb requested to have LB 400 passed over.

RESOLUTION

LEGISLATIVE RESOLUTION 205.

Introduced by Carsten, 2nd District; Remmers, 1st District.

WHEREAS, the States of Nebraska and Iowa entered into a boundary compact in 1943 in which they reestablished the mutual boundary between them and specifically required that Iowa recognized titles, mortgages and liens good in Nebraska as to any lands Nebraska may cede to Iowa.

WHEREAS, the State of Iowa, since 1959, has been aggressive in asserting ownership of lands lying east of the Iowa-Nebraska Boundary, many of which were or are owned by Nebraska residents.

WHEREAS, the Nebraska Legislature in its Seventy-Third Session in 1963 passed Legislative Resolution 47 expressing concern over this practice by Iowa officials and authorizing the Attorney General to intervene in such actions or to initiate an original action or actions in the Supreme Court on behalf of the State of Nebraska.

WHEREAS, upon finding the State of Iowa was violating the Iowa-Nebraska Boundary Compact of 1943, the Attorney General in 1964 filed an original action against the State of Iowa in the United States Supreme Court, said action being entitled "State of Nebraska v. State of Iowa, No-17 Original".

WHEREAS, the Special Master in said action specifically found, and the U. S. Supreme Court affirmed, that the State of Iowa was violating the 1943 Compact, but that the Court refused to enter an injunction against further lawsuits claiming title to lands owned by Nebraska residents.

WHEREAS, since that decision was rendered the State of Iowa has continued to aggressively assert title to lands east of the Iowa-Nebraska Boundary many of which are owned by Nebraska residents, and there are at least two such actions in the Iowa courts now.

WHEREAS, individual owners of Nebraska lands and individual Nebraska citizens in defending their ownership of such lands cannot be in a position to match the financial and legal resources available to officers of the State of Iowa in pursuit of their present policies in attempting to acquire title to lands involved.

WHEREAS, the continuing lawsuits by Iowa officials seeking to acquire title to lands owned by Nebraska citizens may constitute a breach of the Iowa-Nebraska Boundary Compact in 1943 and may be in direct conflict with the United States Supreme Court decision in Nebraska v. Iowa, 406 U.S. 117 (1973).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska is deeply concerned on behalf of its citizens with the aggressive policies pursued by officers of the State of Iowa in the acquisition by that State of certain lands along the Missouri River.

2. That within the limits of appropriations specifically made for that purpose, the Attorney General of the State of Nebraska be authorized to employ special counsel or assistant Attorneys General to examine all such actions initiated or contemplated by the State of Iowa; and where such action appears to be justified to protect the legitimate interests of Nebraska citizens or the State of Nebraska itself or to assure compliance by Iowa officials with the 1943 Iowa-Nebraska Boundary Compact and with the decision of the U. S. Supreme Court in Nebraska v. Iowa, 406 U.S. 117 (1973), that he intervene on behalf of the State of Nebraska in any such actions or proceedings initiated by Iowa officials, or initiate or revive any and all ncessary original actions in the Supreme Court of the United States to accomplish the objectives outlined herein, or take whatever action he feels is necessary and right to protect the interests of this state.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 805. By Nichol, 48th District.
This bill introduced on behalf of: Cities.

A BILL FOR AN ACT to amend section 23-2420, Reissue Revised Statutes of Nebraska, 1943, and section 25-21,183, Revised Statutes Supplement, 1981, relating to vehicular pursuits; to change conditions of liability; to limit liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 806. By Landis, 46th District.
This bill introduced on behalf of: Trial Attorneys.

A BILL FOR AN ACT relating to civil procedure; to provide for the continuation of certain actions as prescribed.

LEGISLATIVE BILL 807. By Landis, 46th District.
This bill introduced on behalf of: the public.

A BILL FOR AN ACT relating to ordinances; to provide procedures for initiative and referendum measures; to define terms; to provide duties; to harmonize provisions; to amend sections 16-6,108, 32-713.01, and 71-3305, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections, and also sections 18-101, 18-104 to 18-116, 18-118, 18-120 to 18-128, 19-427 to 19-430, 19-638, 19-640, 19-641, 19-643, and 19-644, Reissue Revised Statutes of Nebraska, 1943, sections 18-102, 18-103, 19-431, and 19-639, Revised Statutes Supplement, 1980, and sections 18-119 and 18-119.01, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 808. By Labedz, 5th District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend sections 9-127, 9-161, and 9-163, Revised Statutes Supplement, 1980, relating to bingo; to redefine a term; to change certain playing card requirements; to change provisions relating to the manner in which bingo games are conducted; and to repeal the original sections.

LEGISLATIVE BILL 809. By Stoney, 4th District.
This bill introduced on behalf of: All Nebraskans.

A BILL FOR AN ACT to amend section 53-180.05, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to change a provision relating to penalties for purchasing liquor with altered identification; and to repeal the original section.

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 139. Title read. Considered.

Standing Committee amendment found in the Journal on page 884 for the Forty-Second Day, First Session, was considered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 239 to the Standing Committee amendment.

The amendment was adopted with 23 ayes, 0 nays, 21 present and not voting, and 5 excused and not voting.

Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 139A. Title read. Considered.

Mrs. Marsh offered the following amendment:
PURPOSE: To revise the appropriation figure and fiscal year due to the one year lay over, and provide a FY 1983-84 appropriation pursuant to Rule 8, Section 5.
AMENDMENT:
On page 2, lines 1 and 2, strike "five thousand five hundred" and insert "(1) Six thousand five hundred eighty-five"; in line 3, strike "1981" and insert "1982"; in line 4, strike "1982" and insert "1983 and (2) two thousand seven hundred ninety dollars from the Department of Insurance Cash Fund for the period July 1, 1983 to June 30, 1984"; in line 9, strike "three thousand dollars" and insert "$5,830 for the period July 1, 1982 to June 30, 1983, or $2,277 for the period July 1, 1983 to June 30, 1984".

The amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 11 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 810. By Fowler, 27th District.
This bill introduced on behalf of: retirees.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981; to change certain provisions relating to employee retirement systems; and to repeal the original sections.

LEGISLATIVE BILL 811. By Fowler, 27th District.
This bill introduced on behalf of: retirees.

A BILL FOR AN ACT relating to retirement; to amend section 84-1312, Reissue Revised Statutes of Nebraska, 1943, and section 85-106.04, Revised Statutes Supplement, 1980; to change certain provisions relating to prior service annuities for state employees as prescribed; to allow an annual increase in retirement benefits for certain state college and university employees; and to repeal the original sections.

LEGISLATIVE BILL 812. By Landis, 46th District.
This bill introduced on behalf of: the judicial process.

A BILL FOR AN ACT relating to crime; to define terms; to prohibit the intimidation of victims and witnesses of crime; and to provide penalties.

LEGISLATIVE BILL 813. By V. Johnson, 8th District.
This bill introduced on behalf of: debtors.

A BILL FOR AN ACT relating to consumer credit; to provide for debtor relief in consumer credit transactions as prescribed; and to provide for applicability.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 89A in the Journal. No objections. So ordered.

PURPOSE: To update the appropriation year and to provide second year funding pursuant to Legislative Rule 8.

AMENDMENT:

On page 2, in line 3, strike "1981" and insert "1982"; in line 4, strike "1982" and insert "1983", and after the first coma, insert "and fifty thousand seven hundred fifty dollars from the General Fund for the period July 1, 1983, to June 30, 1984"; in line 10, strike the period and insert "for the period July 1, 1982, to June 30, 1983, nor forty-four thousand six hundred ninety-two dollars for the period July 1, 1983, to June 30, 1984."; in line 13, strike "1981" and insert "1982"; in line 14, strike "1982" and insert "1983" and after the first coma, insert "and twenty-seven thousand six hundred forty dollars from the General Fund for the period July 1, 1983, to June 30, 1984"; in line 20, strike the period and insert "for the period July 1, 1982, to June 30, 1983, nor twenty-four thousand four hundred twenty dollars for the period July 1, 1983, to June 30, 1984.".

MR. NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 239. Title read. Considered.

Standing Committee amendments found in the Journal on page 1089 for the Forty-Ninth Day, First Session, were adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Kahle renewed his pending amendment found in the Journal on page 1694, First Session.

The amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 401. Title read. Considered.

Standing Committee amendments found in the Journal on page 1140 for the Fifty-First Day, First Session, were adopted with 31 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved to indefinitely postpone LB 401.

Motion pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 814. By Pirsch, 10th District.

This bill introduced on behalf of: victims of Nebraska.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2261, Reissue Revised Statutes of Nebraska, 1943, and section 23-1201, Revised Statutes Supplement, 1980; to define terms; to change certain provisions relating to the duties of the county attorney; to change certain provisions relating to presentence investigations; and to repeal the original sections.

LEGISLATIVE BILL 815. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Duda, 14th District; Barrett, 39th District; Beyer, 3rd District; Fenger, 45th District; Von Minden, 17th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to political subdivisions; to amend section 23-206, Reissue Revised Statutes of Nebraska, 1943, and sections 5-108 and 23-204, Revised Statutes Supplement, 1980; to change provisions relating to creating districts, redistricting, and apportionment as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 816. By Revenue Committee: Carsten, 2nd District, Chairperson; V. Johnson, 8th District; Hefner, 19th District; Newell, 13th District; H. Peterson, 35th District; Burrows, 30th District; Kahle, 37th District; Wagner, 41st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,136 and 77-27,137, Revised Statutes Supplement, 1980; to provide for state aid to political subdivisions as prescribed; to provide for severability; and to repeal the original sections, and also sections 77-3605 to 77-3615, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 817. By Landis, 46th District; Newell, 13th District.
This bill introduced on behalf of: the substandard neighborhoods of Nebraska.

A BILL FOR AN ACT to adopt the Nebraska Development Finance Fund Act.

LEGISLATIVE BILL 818. By Sieck, 24th District.
This bill introduced on behalf of: the crime victims in the State of Nebraska.

A BILL FOR AN ACT relating to victims of crime; to amend sections 29-2219, 29-2262, 29-3603, 47-402, and 83-1,116, Reissue Revised Statutes of Nebraska 1943, and section 81-1835, Revised Statutes Supplement, 1980; to provide for restitution to victims of crime; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 819. By Revenue Committee: Carsten, 2nd District, Chairperson; Hefner, 19th District; Newell, 13th District; H. Peterson, 35th District; Wagner, 41st District; Kahle, 37th District; Burrows, 30th District; V. Johnson, 8th District.
This bill introduced on behalf of: Department of Revenue.

A BILL FOR AN ACT to amend sections 77-2702 and 77-2703, Revised Statutes Supplement, 1981, relating to revenue and taxation; to define a term; to impose the sales and use taxes on the gross receipts of retailer's of intellectual properties; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 206.

Introduced by Chambers, 11th District.

WHEREAS, a free labor movement is the foundation of a free society; and

WHEREAS, the right of workers to organize and strike is a basic condition of economic democracy; and

WHEREAS, the government of South Africa is suppressing the free labor movement in that country through totalitarian means; and

WHEREAS, we as citizens of Nebraska and the United States should affirm our solidarity with the workers and people of South Africa; and

WHEREAS, the Reagan Administration program of economic sanctions against Poland and the Soviet Union serves to illustrate this type of solidarity and America's commitment to free labor movements;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature recommends that the Reagan Administration impose economic sanctions against South Africa, of the nature and type imposed against Poland and the Soviet Union, and affirms its solidarity with the workers and people of South Africa.

That the Clerk of the Legislature send a copy of this resolution to President Ronald Reagan, Secretary of State Alexander Haig, and to members of the Nebraska congressional delegation.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 267 in the Journal. No objections. So ordered.

1. On line 2, following "committee", insert,
"of a state or local association or society composed of health practitioners licensed pursuant to the provisions of Chapter 71, article 1,"

2. On line 27, following the period insert,
"Nothing in this act shall prohibit a court of record, after a hearing and for good cause arising from extraordinary circumstances being shown, from ordering the disclosure of such proceedings, minutes, records, reports, or communications."

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 203, LR 200, LR 197.

RECESS

At 12:00 noon, on a motion by Mr. Vickers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark and Dworak who were excused; and Messrs. Chambers, Duda, Fenger, Hoagland, Landis, Newell, Remmers, Wiitala, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

ANNOUNCEMENT

Mr. Nichol announced that the Judiciary Committee and the Revenue Committee will be switching hearing rooms on Tuesday, January 19, 1982. The Judiciary Committee will meet in Room 1520 and the Revenue Committee will meet in Room 1113.

GENERAL FILE

LEGISLATIVE BILL 401. Mr. DeCamp renewed his pending motion found in this day's Journal to indefinitely postpone LB 401.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The DeCamp motion to indefinitely postpone LB 401 lost with 15 ayes, 23 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Lamb moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Lamb requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Barrett
Beutler
Beyer
Burrows
Carsten
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Marvel
Newell
Nichol
Peterson, R.
Rumery
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 20:

Chronister
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Hefner
Johnson, L.
Kremer
Labedz
Marsh
Peterson, H.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 5:

Apking
Chambers
Fowler
Goodrich
Higgins

Excused and not voting, 2:

Clark Dworak

Failed to advance to E & R for Review with 22 ayes, 20 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused Thursday, January 14, and Friday, January 15, 1982. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 820. By Urban Affairs Committee: Landis, 46th District, Chairperson; Remmers, 1st District; Fenger, 45th District; Duda, 14th District; Cullan, 49th District; Schmit, 23rd District.
This bill introduced on behalf of: City of Omaha.

A BILL FOR AN ACT to amend sections 31-727 and 31-732, Reissue Revised Statutes of Nebraska, 1943, and sections 31-739 and 31-755, Revised Statutes Supplement, 1980, relating to sanitary and improvement districts; to change a definition; to change provisions relating to the powers of a sanitary and improvement district; to change provisions relating to the issuance and payment of bonds and warrants; and to repeal the original sections.

LEGISLATIVE BILL 821. By Urban Affairs Committee: Landis, 46th District, Chairperson; Remmers, 1st District; Cullan, 49th District; Schmit, 23rd District; Fenger, 45th District; Higgins, 9th District; Duda, 14th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 71-1525, Reissue Revised Statutes of Nebraska, 1943, and section 71-1524, Revised Statutes Supplement, 1981, relating to housing; to change provisions relating to appointment of housing authority commissioners; and to repeal the original sections.

LEGISLATIVE BILL 822. By Fowler, 27th District.
This bill introduced on behalf of: tax equity.

A BILL FOR AN ACT relating to state aid to political subdivisions; to create a fund and specify the source and distribution thereof; to state intent; and to repeal sections 77-3605 to 77-3615, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 823. By Chronister, 18th District.
This bill introduced on behalf of: League of Nebraska Municipalities.

A BILL FOR AN ACT to amend sections 18-113, 19-421, and 19-632, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 19-639, and 19-4205, Revised Statutes Supplement, 1980, relating to cities and villages; to authorize the delegation of certain duties of city and village clerks to county clerks and election commissioners; and to repeal the original sections.

LEGISLATIVE BILL 824. By Labedz, 5th District; Haberman, 44th District; Nichol, 48th District; Higgins, 9th District.
This bill introduced on behalf of: the safety of all Citizens of Nebraska.

A BILL FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1980, relating to rules of the road; to allow the use or sale of tires with certain studs or spikes; to harmonize provisions; to repeal the original section, and also sections 39-6,131.01 to 39-6,131.07, Revised Statutes Supplement, 1980, and Laws 1980, LB 619, section 9; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 574	Wednesday, January 20, 1982	1:30 p.m.
LB 692	Wednesday, January 20, 1982	1:30 p.m.
LB 698	Wednesday, January 20, 1982	1:30 p.m.
LB 636	Wednesday, January 27, 1982	1:30 p.m.
LB 727	Wednesday, January 27, 1982	1:30 p.m.

(Signed) Dave Landis, Chairperson

Miscellaneous Subjects

LB 685	Thursday, January 28, 1982	1:30 p.m.
LB 791	Thursday, January 28, 1981	1:30 p.m.
LB 605	Friday, January 29, 1982	1:30 p.m.
LB 638	Friday, January 29, 1982	1:30 p.m.

LB 687	Thursday, February 4, 1982	1:30 p.m.
LB 689	Thursday, February 4, 1982	1:30 p.m.
LB 629	Friday, February 5, 1982	1:30 p.m.
LB 584	Friday, February 5, 1982	1:30 p.m.
LB 643	Thursday, February 11, 1982	1:30 p.m.

Governor's Appointment
Cal Solem - Thursday, February 4, 1982 1:30 p.m.
Nebraska Arts Council

(Signed) Elroy Hefner, Chairperson

Agriculture and Environment

LB 593	Thursday, January 28, 1982	1:30 p.m.
LB 668	Thursday, January 28, 1982	1:30 p.m.
LB 675	Thursday, January 28, 1982	1:30 p.m.
LB 678	Thursday, January 28, 1982	1:30 p.m.
LB 619	Friday, January 29, 1982	1:30 p.m.
LB 648	Friday, January 29, 1982	1:30 p.m.
LB 713	Friday, January 29, 1982	1:30 p.m.
LB 786	Friday, January 29, 1982	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Revenue

LB 663	Monday, January 18, 1982	1:30 p.m.
LB 631	Monday, January 18, 1982	1:30 p.m.
LB 596	Monday, January 18, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 127A. By Sieck, 24th District.
This bill introduced on behalf of: LB 127.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 127, Eighty-seventh Legislature, First Session, 1981.

ANNOUNCEMENT

Speaker Marvel announced LB 375 be set on Special Order Tuesday, January 19, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 498 in the Journal. No objections. So ordered.

1. Strike original section 1.

2. On page 8, line 11, strike "77-3424," and strike the second comma.

3. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 287. Placed on General File as amended:

1. On page 2, reinstate the stricken matter beginning with "An" in line 5 through "occurs" in line 10; in line 10 after "occurs" insert "and with the annual approval of the county board and employee, such employee may continue his or her employment beyond the time required in such rules."; in line 12 after "~~such~~" insert "Such" and reinstate "rules"; and reinstate the stricken matter in line 13.

2. Strike original section 2.

3. On page 6, lines 14 through 16 reinstate the stricken matter; and in line 16 after "date" insert ", except that with the annual approval of the board and member, such member may continue his or her employment beyond such compulsory retirement date".

4. On page 7, line 18, strike "1980" and insert "1981"; reinstate lines 19 through 23; in line 23 after "service" insert "beyond the attainment of age seventy."; in line 25 strike "not"; and in line 27 strike "nor" and insert "and" and strike "he or she".

5. On page 8, line 2, reinstate the stricken mater and after "age" insert "seventy"; and in line 3 reinstate "shall" through the period.

6. Strike original section 6 and insert the following new section:

"Sec. 5. That section 84-1317, Revised Statutes Supplement, 1981, be amended to read as follows:

84-1317. An employee may elect to retire on the attainment of age sixty-five or on the attainment of age sixty after thirty years of service. With the approval of the department concerned and the employee, an employee may retire on the attainment of age sixty regardless of the number of years of service. An employee may retire as a result of disability at any age.

~~No faculty member of the University of Nebraska, the Nebraska State Colleges, or the technical community colleges shall be forced to retire before age seventy without due process, nor shall any faculty member have tenure status revoked due to age.~~

Any employee shall be required to retire at the end of the month in which his or her seventieth birthday occurs, except that with the annual approval of the department concerned and the employee, such employee may continue his or her employment ~~until~~ beyond the attainment of age ~~seventy-two~~ seventy, except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy. ~~seventy-two and the Clerk and Reporter of the Supreme Court serving on July 12, 1974, may continue employment with approval of the Supreme Court and any employee of the legislative council serving on July 12, 1974, may continue employment with the approval of the Legislature.~~

The first of the month immediately following the last day of work shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. The provisions pertaining to mandatory retirement shall not apply to elected officials. First payments pertaining to retirements under prior service provisions of sections 84-1301 to 84-1331 shall be made at such time as the retirement board may determine.”.

7. On page 9, line 12 strike “1980” and insert “1981”; in line 13 remove the underscoring; in line 16 reinstate the stricken matter and after “retire” insert “, except that with the annual approval of the governing board of the institution and the employee, such employee may continue his or her employment beyond the attainment of age seventy”; after line 16 insert the following subsection:

“(2) Any employee continuing to work after age sixty-five shall continue to make contributions to the appropriate retirement system until the date of retirement.”; in line 17 strike “(2)” and insert “(3)”; and in line 19 after “retire” insert “before age seventy”.

8. Strike original section 8 and insert the following new section:

“Sec. 7. That original section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections

79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981, are repealed.”.

9. Renumber sections 3 to 5 and 7 as sections 2 to 4 and 6 respectively.

(Signed) Steve Fowler, Chairperson

MR. NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 410. Title read. Considered.

Standing Committee amendments, Req. #2163, found in the Journal on page 1159 for the Fifty-Second Day, First Session, were adopted with 28 ayes, 0 nays, 19 present and not voting and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 233. Title read. Considered.

Standing Committee amendments found in the Journal on page 1163 for the Fifty-Second Day, First Session were adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment:
Add the emergency clause to LB 233.

The amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. NICHOL PRESIDING

Failed to advance to E & R for Review with 15 ayes, 21 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 278. Title read. Considered.

Standing Committee amendments found in the Journal on page 1163 for the Fifty-Second Day, First Session, were considered.

Mr. Beutler offered the following amendment to the Standing Committe amendments:

In #2 change the word ‘referred’ to ‘pay’ also,

Add a new section as follows:

‘‘Failure by a contractor to pay the decreased sales tax amount as provided in this section shall be a Class I misdemeanor, if the amount is $300 or more, and a Class IIIA misdemeanor in all other cases.

The amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Messrs. R. Peterson, Barrett, and Fenger asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 16 present and not voting and 7 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 278.

Mr. Cullan asked unanimous consent to be excused for the remainder of the day.

Mr. Warner moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Warner requested a roll call vote on the indefinitely postpone motion.

Voting in the affirmative, 20:

Beutler
DeCamp
Fowler
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Remmers
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Beyer
Burrows
Carsten
Chronister
Cope
Duda
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Labedz
Marvel
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 1:

Nichol

Excused and not voting, 7:

Barrett
Clark
Cullan
Dworak
Fenger
Haberman
Peterson, R.

Absent and not voting, 1:

Chambers

The Warner motion to indefinitely postpone LB 278 lost with 20 ayes, 20 nays, 1 present and not voting, 7 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

REFERENCE COMMITTEE REPORT

LB	**Committee**
795	Government, Military and Veterans Affairs
796	Education
797	Education
798	Constitutional Revision and Recreation
799	Banking, Commerce and Insurance
800	Business and Labor
801	Business and Labor
802	Public Health and Welfare
803	Constitutional Revision and Recreation
804	Banking, Commerce and Insurance
805	Judiciary
806	Judiciary
807	Urban Affairs
808	Miscellaneous Subjects
809	Miscellaneous Subjects
810	Retirement
811	Retirement
812	Judiciary
813	Banking, Commerce and Insurance
814	Judiciary

815	Miscellaneous Subjects
816	Revenue
817	Urban Affairs
818	Judiciary
819	Revenue

(Signed) Howard Lamb, Chairperson

VISITOR

Visitor to the Chamber was Roger N. Bailey from Grand Island.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:00 a.m., Thursday, January 14, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 14, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 14, 1982

Pursuant to adjournment, the Legislature met at 9:02., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Fowler who was excused; and Messrs. Beutler, Burrows, Chambers, DeCamp, Haberman, Koch, Newell, Stoney, Vickers, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

NOTICE OF COMMITTEE HEARINGS

Administrative Rules and Regulations Review

LB 784	Wednesday, January 20, 1982	12:00 noon

(Signed) Vard Johnson, Chairperson

Business and Labor

LB 764	Wednesday, January 20, 1982	1:30 p.m.
LB 801	Wednesday, January 27, 1982	1:30 p.m.
LB 765	Wednesday, January 27, 1982	1:30 p.m.

LB 599	Wednesday, February 3, 1982	1:30 p.m.
LB 617	Wednesday, February 3, 1982	1:30 p.m.
LB 732	Wednesday, February 3, 1982	1:30 p.m.

(Signed) Bill Barrett, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 178

January 12, 1982

Dear Senator Fowler:

You have requested an opinion of this office concerning whether the current provisions of LB 231, if passed, would have application to the calculation of sentences of prisoners presently incarcerated in local correctional facilities. In our opinion the provisions of LB 231, section 3 could not be applied to the incarceration of any prisoner sentenced prior to the effective date of the act. In fact, as LB 231 is currently drafted, the provisions of that act would in all likelihood be inapplicable to any prisoner sentenced prior to the formal adoption of section 3 by the various district courts of this state. LB 231, section 1.

The concept of reducing a criminal sentence to encourage a prisoner's good behavior while incarcerated is not new to this state. Neb.Rev.Stat. Sections 83-1,107 et seq. (Reissue 1976). In a series of cases our Supreme Court has considered the question of whether legislation providing for similar sentence reductions may be applied to sentences imposed prior to the effective date of the enactment. Johnson and Cunningham v. Exon, 199 Neb. 154, 256 N.W.2d 869 (1977); Gochenour v. Bolin, 208 Neb. 444, 303 N.W.2d 775 (1981); Whited v. Bolin, 210 Neb. 32, ___N.W.2d ___(1981) (motion for rehearing pending). This line of cases leads us to the opinion noted above.

To apply the provisions of LB 231, section 3 to the incarceration of prisoners sentenced prior to the effective date of this act would potentially reduce the amount of time a prisoner would serve on that sentence and thus allow an earlier release from custody than that contemplated by the court at sentencing. "The basis for the [Johnson & Cunningham] holding was that an earlier discharge constituted a form of clemency or commutation of sentence which only the Board of Pardons had the power to exercise." Whited v. Bolin, Id., 210 Neb. at 34 (Emphasis added.) Our courts having specifically held that the Legislature is without the power to retroactively reduce the sentences of prisoners sentenced to state correctional facilities, we see no basis for concluding a different result would be forthcoming where prisoners sentenced to local correctional facilities are concerned.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 179
January 12, 1982

Dear Senator Labedz:

In your letter of January 8, 1982, you ask our opinion on the effect of the adoption of the two constitutional amendments concerning legislative salaries contained in LB 138 and LB 531. Specifically, you are concerned with the possible adoption of the amendment contained in LB 138 in the 1982 primary election, and the subsequent adoption of the constitutional amendment contained in LB 531 in the 1982 general election.

LB 138 eliminates the current language contained in Article III, Section 7, concerning salaries to be paid to legislators and substitutes new language about salaries in its place. LB 138 was passed in the last session of the Legislature and the amendment contained therein will be on the 1982 primary ballot. LB 531, on the other hand, eliminates the existing language in Article III, Section 7, concerning legislative salaries, provides specifically that legislators shall receive no compensation, and states that each member shall be reimbursed for actual expenses incurred in the performance of his or her duties. This bill is currently on final reading, and also provides that this amendment would be placed on the 1982 primary ballot.

You state in your letter that if both constitutional amendments were passed on the primary ballot the one receiving the greatest number of votes would prevail. This assumption does not appear to be correct. In the case of In re Senate File 31, 25 Neb. 864 (1889), the court was faced with a similar question involving two conflicting and irreconcilable constitutional amendments which were to be offered on the same ballot. The court noted that, "If both should receive a majority of all the votes cast, however, the amendments being irreconcilable, both would fail." Id. at 881. Since the above proposed amendments likewise appear to be irreconcilable, should both receive a majority of votes in the 1982 primary election, which is the only requirement for passage of an amendment, then the same logic would apply and both would fail.

If the amendment contained in LB 138 was adopted in the 1982 primary election, and the amendment contained in LB 531 was subsequently adopted in the 1982 general election, the results would appear to be different. Even though the amendment contained in LB 531 does not eliminate the specific language contained in the LB 138 amendment, which would then be a part of the existing Constitution, the language contained in the new amendment would necessarily be in conflict with the existing language. "In that situation, the newer provisions would control and the prior provisions would be implicitly repealed." Cunningham v. Exon, 207 Neb. 513, at 519, 300 N.W.2d 6 (1980). Consequently in such a situation, the amendment contained in LB 531 would in effect repeal the language of the amendment adopted in LB 138 and would accordingly govern the content of the provisions of Article III, Section 7 of the Nebraska Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/cmb/t5
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 233 or LB 622 in the Journal. No objections. So ordered:

Req. No. 2517

1. Strike the original section and insert:

"Section 1. The Legislature finds that:

(1) Nebraska highways have been allowed to deteriorate and today offer a very poor transportation system and will continue to deteriorate unless immediate remedial action is taken;

(2) The first priority of state government should be to provide an adequate and safe transportation system particularly for the movement of agricultural products from farm to market and to meet the transportation needs of Nebraska industry and business; and

(3) A major program of rapidly improving the transportation system of the state should be undertaken without delay at this time of substantial economic problems in order to provide vital employment, generate increase tax revenue, and take advantage of the lowest construction costs in years.

Sec. 2. Under the authority granted by Article XIII, section 1, of the Constitution of Nebraska, and Chapter 39, article 22, the Legislature hereby directs the issuance of bonds in the principal amount of not less than two hundred fifty million dollars nor more than five hundred million dollars between the effective date of this act and July 1, 1983, either in one issue or in increments as the bond market will absorb, with the proceeds thereof to be used for the construction of highways in this state. Such bonds and the interest thereon shall be payable out of the Highway Trust Fund and shall in all respects comply with the provisions of Article XIII, section 1, of the Constitution of Nebraska and Chapter 39, article 22.

Sec. 3. Funds made available pursuant to section 2 of this act shall be expended to accomplish improvements in the following schedule of priorities;

(1) Reconstruction and improvement of the National System of Interstate and Defense Highways;

(2) Improvement and rehabilitation of the existing major highway system;

(3) The construction of a north-south highway meeting the standards of the National System of Interstate and Defense Highway system to be laid out by the Department of Roads following the most feasible route and commencing at South Sioux City and proceeding westward or southwestward to the U.S. Highway 81 corridor, thence southerly to the Kansas border; and

(4) The development of additional hard-surface roads as necessary to provide an adequate system of farm-to-market roads.

Sec. 4. The highway to be constructed pursuant to subdivision (3) of section 3 of this act may be developed as a toll road in order to generate funds to assist in payment of the principal and interest on the bonds issued pursuant to section 2 of this act. Tolls shall be set as determined by the Department of Roads but not so high as to generate revenue in excess of that required for such payment. All proceeds of such tolls shall be transmitted monthly to the State Treasurer for deposit in the Highway Trust Fund.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262(R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		
Middle Republican		
Fred J. Schroeder, Jr.	Attorney	$114.75
Lower Platte South	Attorneys	$19,846.86

REPORT

Received report from the Department of Roads of statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 825. By Beutler, 28th District.
This bill introduced on behalf of: taxpayers of Nebraska.

A BILL FOR AN ACT to amend section 51-214, Reissue Revised Statutes of Nebraska, 1943, relating to libraries; to allow library boards to collect court costs and attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 826. By L. Johnson, 15th District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT to amend section 81-885.21, Revised Statutes Supplement, 1981, relating to the State Real Estate Commission; to change provisions for trust account deposits; and to repeal the original section.

LEGISLATIVE BILL 827. By Duda, 14th District; Higgins, 9th District; Kilgarin, 7th District; Wiitala, 31st District; Newell, 13th District; Chambers, 11th District; Labedz, 5th District; Hoagland, 6th District; Fenger, 45th District; Koch, 12th District; V. Johnson, 8th District; Pirsch, 10th District; Beyer, 3rd District; Goll, 16th District; L. Johnson, 15th District.
This bill introduced on behalf of: Metro Technical Board.

A BILL FOR AN ACT to amend section 79-2650.07, Revised Statutes Supplement, 1981, relating to technical community colleges; to remove a construction restriction from certain areas; and to repeal the original section.

LEGISLATIVE BILL 828. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; R. Peterson, 21st District; Higgins, 9th District; Fenger, 45th District; Apking, 32nd District; Wesely, 26th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 43-907, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change a provision relating to children's assets as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 829. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Barrett, 39th District; Higgins, 9th District; Fenger, 45th District; Apking, 32nd District; Wesely, 26th District; R. Peterson, 21st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 71-2023 and 71-2024, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to abolish the Advisory Council on Hospital and Medical Facilities; to change certain provisions relating to the Department of Health; and to repeal the original section, and also section 71-2025, Reissue Revised Statutes of Nebraska, 1943, and section 71-2005, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 830. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Apking, 32nd District; Barrett, 39th District; Wesely, 26th District; R. Peterson, 21st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to public health and welfare; to provide intent; to define terms; to provide for the establishment of emergency medical services regions and councils; to provide duties; to provide for funding; to provide for the treatment of certain information; to amend sections 35-107, 39-608, 39-6,135, 39-6,149, 71-5109, and 71-511, Reissue Revised Statutes of Nebraska, 1943, sections 39-6,148 and 71-5504, Revised Statutes Supplement, 1980, and section 39-6,151, and subdivision (5) of section 39-602, Revised Statutes Supplement, 1981; to change provisions relating to emergency vehicles; to change provisions relating to liability; to redefine a term; to harmonize provisions to change provisions relating to certification of ambulance attendants; to change a board's membership; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 831. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Higgins, 9th District; Fenger, 45th District; Wesely, 26th District; Apking, 32nd District; R. Peterson, 21st District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to public health; to provide for testing of infants for certain metabolic diseases; to provide standards for testing; to eliminate certain provisions relating to the testing of infants for certain diseases; to harmonize provisions; and to repeal section 71-604.04, Reissue Revised Statutes of Nebraska, 1943, and sections 71-604.01 and 71-604.03, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 832. By Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Wesely, 26th District; Fenger, 45th District; Apking, 32nd District; R. Peterson, 21st District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 71-2021, Reissue Revised Statutes of Nebraska, 1943, relating to hospitals; to change provisions relating to licenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 833. By Koch, 12th District.
This bill introduced on behalf of: Political Subdivisions.

A BILL FOR AN ACT relating to fees; to amend sections 33-114 and 77-914, Reissue Revised Statutes of Nebraska, 1943, and sections 14-554, 77-27,137.01, and 77-3523, Revised Statutes Supplement, 1980; to prohibit the collection of fees by county treasurers for the distribution of certain funds; and to repeal the original sections.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend the rules, Rule 6, Section 7(b) to permit the final reading of LB 664.

The motion prevailed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 664. With Emergency.

A BILL FOR AN ACT relating to the Nebraska School for the Deaf; to name a structure as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached.' "

Voting in the affirmative, 37:

Apking	Barrett	Beyer	Carsten	Chronister
Clark	Cope	Cullan	Duda	Dworak
Fenger	Goll	Goodrich	Hefner	Higgins
Hoagland	Johnson, L.	Johnson, V.	Kahle	Kilgarin
Labedz	Lamb	Marsh	Marvel	Nichol
Peterson, H.	Peterson, R.	Pirsch	Remmers	Rumery
Schmit	Sieck	Vickers	Von Minden	Wagner
Warner	Wiitala			

Voting in the negative, 1:

Landis

Present and not voting, 1:

Kremer

Excused and not voting, 10:

Beutler	Burrows	Chambers	DeCamp	Fowler
Haberman	Koch	Newell	Stoney	Wesely

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTIONS 204. Read. Considered.
LR 204 was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 205. Read. Considered.
LR 205 was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 834. By Nichol, 48th District; Cullan, 49th District. This bill introduced on behalf of: Recipients of Child Support Payments.

A BILL FOR AN ACT to repeal Legislative Bill 7, Eighty-seventh Legislature, First Special Session, 1981, section 6; to remove a termination date; and to declare an emergency.

LEGISLATIVE BILL 835. By Wiitala, 31st District; Wesely, 26th District. This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to health care; to provide that patients receive an itemized list of expenses when discharged from the hospital.

LEGISLATIVE BILL 836. By Wiitala, 31st District.
This bill introduced on behalf of: Citizens of Nebraska.

A BILL FOR AN ACT relating to adolescents; to define terms; to require consent prior to certain treatment; to provide procedure for requiring certain mental health treatment; and to provide duties for the juvenile courts.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 664.

GENERAL FILE

LEGISLATIVE BILL 278. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Standing Committee amendments, Req. No. 2160, found in the Journal on page 909 for the Forty-Third Day, First Session, were considered.

Mr. Chambers offered the following amendment:
Strike subsection (2) of section 3.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 11 ayes, 24 nays, 11 present and not voting, and 3 excused and not voting.

MR. CLARK PRESIDING

Standing Committee amendments were adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTE

Had I been present I would have voted no on passage of LB 664.

(Signed) Don Wesely

UNANIMOUS CONSENT - Print in Journal

The Education Committee asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office-Req. No. 2514.)

Mr. Beutler asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

Amend LB 126 by eliminating the words "or takes possession of" in the first line 10 of the committee amendments.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 837. By Remmers, 1st District.
This bill introduced on behalf of: Nebraska retailers.

A BILL FOR AN ACT to amend section 53-168, Revised Statutes Supplement, 1981, relating to liquors; to change certain provisions relating to the credit limitation imposed on retail licensees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 838. By Schmit, 23rd District.
This bill introduced on behalf of: People.

A BILL FOR AN ACT to amend section 53-135.01, Revised Statutes Supplement, 1980, relating to liquors; to change certain provisions relating to liquor license renewal; and to repeal the original section.

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 14, 1982, at 10:05 a.m., was the following bill: 664.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 448. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments found in the Journal on page 1190 for the Fifty-Third Day, First Session, were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

Striking "8" in line 3 and renumber the sections correctly.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb renewed his pending amendment found in the Journal on page 1981, First Session.

Mr. Lamb moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Carsten	Clark	DeCamp	Hefner	Hoagland
Johnson, V.	Kahle	Lamb	Landis	Marvel
Newell	Peterson, H.	Remmers	Rumery	Sieck
Von Minden	Wagner			

Voting in the negative, 26;

Apking	Barrett	Beutler	Burrows	Chronister
Cope	Cullan	Duda	Dworak	Fenger

Goll	Goodrich	Higgins	Johnson, L.	Kilgarin
Koch	Kremer	Labedz	Marsh	Peterson, R.
Pirsch	Stoney	Vickers	Warner	Wesely
Wiitala				

Present and not voting, 1:

Beyer

Excused and not voting, 4:

Fowler	Haberman	Nichol	Schmit

Absent and not voting, 1:

Chambers

The Lamb amendment lost with 17 ayes, 26 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chair declared the Call raised.

LEGISLATIVE BILL 449. Title read. Considered.

Standing Committee amendments found in the Journal on page 1190 for the Fifty-Third Day, First Session, were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

By striking "9" in committee amendment 5. and renumber the sections accordingly.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wiitala asked unanimous consent to have his name added as co-introducer to LB 738. No objections. So ordered.

Mr. Wiitala asked unanimous consent to have his name added as co-introducer to LB 628. No objections. So ordered.

Mrs. Labedz, Messrs. DeCamp, Rumery, and Kremer asked unanimous consent to have their names added as co-introducers to LB 768. No objections. So ordered.

ANNOUNCEMENT

Speaker Marvel directed that LB 387 and LB 267 be moved from Passed Over to General File.

VISITORS

Visitors to the Chamber were George and Kay Hefner from Coleridge; sheriffs throughout Nebraska; 16 students and teachers from Platte Valley Academy Government Class; fourth grade students from Murdock; former Senator Arnold Ruhnke from Plymouth; Michael Vanderford from Lincoln; and Bernie Simon from Omaha.

RECESS

At 11:54 a.m., on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Fowler, Haberman, and Schmit who were excused; and Messrs. Beyer, Chambers, DeCamp, Hoagland, Koch, Lamb, Newell, Rumery, Sieck, Vickers, Wagner, Mesdames Labedz, and Pirsch who were excused until they arrive.

NATURAL RESOURCE DISTRICT REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		
Lower Platte North	Attorney	$38,511.01
Middle Missouri Tribs Uhlir & Horneber	Attorneys	$ 8,777.44

UNANIMOUS CONSENT - Add Co-Introducer

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 798. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 450. Title read. Considered.

Standing Committee amendments found in the Journal on page 1191 for the Fifty-Third Day, First Session, were considered.

Mr. H. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment to the Standing Committee amendments:
Amend the committee amendment to LB 450 by striking "8" in number 4 committee amendment and renumber the sections accordingly.

The amendment was adopted with 28 ayes, 0 nays, 3 present and not voting, and 18 excused and not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 7 nays, 4 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Standing Committee amendments, Req. No. 2249, found in the Journal on page 1191 for the Fifty-Third Day, First Session, were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:
Strike original Section 2 from LB 263.

The amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 378. Title read. Considered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 1375, First Session.

The amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

MR. CLARK PRESIDING

Mr. Cullan offered the following amendment:

Strike the original contents of LB 378 and all amendments thereto and insert the following:

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 1318.)

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The Cullan amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Wesely moved to return LB 378 to Public Health and Welfare Committee.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 13 nays, and 23 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Wesely requested a roll call vote on his motion.

Voting in the affirmative, 21:

Beutler
Chambers
Cope
DeCamp
Dworak
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cullan
Duda
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Koch
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden

Present and not voting, 1:

Wagner

Excused and not voting, 4:

Burrows
Fowler
Haberman
Schmit

The Wesely motion lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely moved to indefinitely postpone LB 378.

Laid over.

MOTION - Reconsider Action of Committee on Committee Report

Mr. Warner moved to reconsider adoption of the Committee on Committee report found on page 258 of the Legislative Journal.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 839 By Beyer, 3rd District.
This bill introduced on behalf of: Racing Commission.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1981, relating to horse racing; to change provisions relating to registration of certain horses; to provide powers; to authorize a fee; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Governor's Appointments
Advisory Committee to Dept. of Economic Development
Rosemery Hannam
John Egging
Monday, January 25, 1982 1:30 p.m.

LB 751	Monday, January 25, 1982	1:30 p.m.
LB 702	Monday, January 25, 1982	1:30 p.m.
LB 137	Monday, January 25, 1982 (rehearing)	1:30 p.m.
LB 708	Tuesday, January 26, 1982	1:30 p.m.
LB 738	Tuesday, January 26, 1982	1:30 p.m.
LB 799	Tuesday, January 26, 1982	1:30 p.m.
LB 621	Monday, February 1, 1982	1:30 p.m.
LB 778	Monday, February 1, 1982	1:30 p.m.
LB 779	Monday, February 1, 1982	1:30 p.m.
LB 666	Monday, February 1, 1982	1:30 p.m.
LB 775	Tuesday, February 2, 1982	1:30 p.m.
LB 776	Tuesday, February 2, 1982	1:30 p.m.
LB 777	Tuesday, February 2, 1982	1:30 p.m.
LB 586	Monday, February 8, 1982	1:30 p.m.
LB 804	Monday, February 8, 1982	1:30 p.m.
LB 813	Monday, February 8, 1982	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

Revenue

LB 630	Tuesday, January 19, 1982	1:30 p.m.
LB 728	Tuesday, January 19, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. V. Johnson and Landis asked unanimous consent to print the following amendment to LB 215 in the Journal. No objections. So ordered.

Req. No. 2513

1. On page 3, line 20, after the comma insert "the court shall transfer jurisdiction to a juvenile court established pursuant to Chapter 43, article 2, unless a showing can be made that the district court is a more appropriate forum. In making such determination the court may consider such factors as cost to the parties, undue delay, congestion of dockets, and relative resources available for investigative and supervisory assistance. If no such transfer is made".

2. On page 4, after line 27 insert the following:

"Following a determination that one or more of the conditions specified in this subdivision exist, the court may take under advisement the issue of termination of parental rights for a period not to exceed six months under such terms and conditions as the court may prescribe to correct the conditions found to exist and prepare the parent to resume proper responsibility for the care and supervision of the children. At the end of such six-month period, the court shall terminate all parental rights between a parent and the minor children if the court finds such action to be in the best interests of the minor children and it appears that the parent has failed to correct the conditions found to exist or is otherwise unable or unwilling to resume proper responsibility for the care and supervision of the children. The court may take under advisement the issue of termination of parental rights for an additional period of six months under such terms and conditions as the court may prescribe to correct the conditions found to exist and prepare the parent to resume proper responsibility for the care and supervision of the children. At the end of such additional six-month period the court shall terminate all parental rights between a parent and the minor children when the court finds such action to be in the best interests of the minor children and it appears that the parent has failed to correct the conditions found to exist or is otherwise unable or unwilling to resume proper responsibility for the care and supervision of the children, or shall dismiss the application to terminate parental rights.

When the parental rights of both parents are terminated, the court shall place the children as provided in Chapter 43, article 2.

(5) Whenever children are removed from both parents, whether natural or adoptive, the court shall appoint an attorney as guardian ad litem, who shall protect the interests of such children and shall submit to the court every one hundred twenty days a report concerning the care, custody, education, and supervision of the children. If it appears to the guardian ad litem that the best interests and welfare of the children may require the termination of the parental rights of one or both parents, he or she shall apply to the court in writing or orally on the record for such termination. Whenever children are removed from both natural or adoptive parents whose parental rights have not been terminated, the court shall schedule a hearing to review the placement of such children no less than annually.".

3. On page 5, line 1, before "Whenever" insert "(6)".

RESOLUTION

LEGISLATIVE RESOLUTION 207.

Introduced by: Koch, 12th District; Vickers, 38th District; Warner, 25th District; Hoagland, 6th District; Lamb, 43rd District; Beutler, 28th District; Hefner, 19th District; Kremer, 34th District; Wiitala, 31st District; Goll, 16th District; Fenger, 45th District; Beyer, 3rd District.

WHEREAS, the federal government historically has recognized and accepted its responsibility for providing public educational opportunities for dependents of personnel in its uniformed services and for those American Indians residing on Indian reservations; and

WHEREAS, for more than one hundred years, this responsibility was met through various funding acts such as the Lanham Act for the military and the Bureau of Indian Affairs for Indians and since 1950 under P.L. 874, otherwise known as impact aid; and

WHEREAS, the State of Nebraska has entered into agreements with the federal government which have substantially limited the availability of revenue resources at the local level in school districts which are severely impacted by federal activity; and

WHEREAS, appropriations for impact aid for fiscal year 1982 have already been reduced by almost fifty per cent below fiscal year 1981 levels based on a continuing resolution which expires in March, 1982, and this has led to uncertainities in planning for the current year's operation due to a possible cut back of up to six million dollars; and

WHEREAS, highly impacted districts cannot possibly be expected, nor is it fiscally possible in such districts, to replace the lost funds through increases in local property taxes since the tax dollars needed could exceed the actual valuation of the taxable property; and

WHEREAS, the State of Nebraska collects sales and income taxes to support public elementary and secondary education through the foundation and equalization program under which the impacted school districts currently receive the highest aid per pupil in the state; and

WHEREAS, further reductions have been proposed for impact aid in the current year and for fiscal year 1983.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature opposes cuts in impact aid which cannot be replaced by local property taxes.

2. That the Legislature opposes shifting a recognized federal responsibility to state and local government.

3. That the Legislature request the federal government, through its executive and legislative branches, to reaffirm through adequate budget recommendations and appropriations its obligation for the education of those students in public school districts which are highly impacted by its actions.

4. That the Clerk of the Legislature send copies of this resolution to the President, the Office of Management and Budget, and the Department of Education, for their consideration, and copies to Nebraska's Congressional delegation, and appropriate committees of the Congress for their information.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 820 through 838.

LB 762 was rereferred to the Revenue Committee.

LB	**Committees**
762	Revenue
820	Urban Affairs
821	Urban Affairs
822	Revenue
823	Urban Affairs
824	Public Works
825	Miscellaneous Subjects
826	Banking, Commerce and Insurance

827	Education
828	Public Health and Welfare
829	Public Health and Welfare
830	Public Health and Welfare
831	Public Health and Welfare
832	Public Health and Welfare
833	Revenue
834	Public Health and Welfare
835	Public Health and Welfare
836	Public Health and Welfare
837	Miscellaneous Subjects
838	Miscellaneous Subjects

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

GENERAL FILE

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendments found in the Journal on page 1215 for the Fifty-Fourth Day, First Session, were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Fenger asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wiitala asked unanimous consent to add his name as a co-introducer to the Warner motion to reconsider the Committee on Committees report found on page 258 of the Journal. No objections. So ordered.

UNANIMOUS CONSENT - Hearing Room Change

Mr. Wesely asked unanimous consent to permit the Constitutional Revision and Recreation Committee to use the East Chamber for their hearings Friday, January 15, 1982. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Education

LB 827	Tuesday, January 26, 1982	1:30 p.m.
LB 774	Tuesday, January 26, 1982	1:30 p.m.
LB 789	Tuesday, January 26, 1982	1:30 p.m.

REHEARING:

LB 259	Tuesday, January 26, 1982	1:30 p.m.

White Copy Request No. 2514

(Signed) Jerry Koch, Chairperson

ADJOURNMENT

At 4:04 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Friday, January 16, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 15, 1982

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 15, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 15, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Cullan, Fowler, and Haberman who were excused; and Miss Kilgarin, Mesdames Higgins, Pirsch, Messrs. Beutler, Chambers, DeCamp, Goodrich, Hoagland, V. Johnson, Newell, R. Peterson, Schmit, Sieck, Warner, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 824. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 603 Wednesday, January 20, 1982 (cancel) 1:30 p.m.

(Signed) William E. Nichol, Chairperson

Government, Military and Veterans Affairs

LB 782	Thursday, January 28, 1982	1:30 p.m.
LB 681	Thursday, February 4, 1982	1:30 p.m.
LB 744	Thursday, February 4, 1982	1:30 p.m.
LB 767	Thursday, February 4, 1982	1:30 p.m.
LB 647	Friday, February 5, 1982	1:30 p.m.
LB 696	Friday, February 5, 1982	1:30 p.m.
LB 701	Friday, February 5, 1982	1:30 p.m.

(Signed) Martin Kahle, Chairperson

GENERAL FILE

LEGISLATIVE BILL 370. Title read. Considered.

Standing Committee amendments, Req. #2193, found in the Journal on page 1231 for the Fifty-Fifth Day, First Session, were adopted with 26 ayes, 0 nays, 3 present and not voting, and 20 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendments found in the Journal on page 1244 for the Fifty-Fifth Day, First Session, were adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 840. By Rumery, 42nd District.
This bill introduced on behalf of: Larry Bowley.

A BILL FOR AN ACT to amend sections 81-1560 and 81-1560.02, Revised Statutes Supplement, 1981, relating to environmental protection; to provide the wholesaler and retailer with certain exceptions to the litter fee as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 841. By Rumery, 42nd District.
This bill introduced on behalf of: Charles A. Kandt.

A BILL FOR AN ACT to amend section 28-1115, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change the amount of proceeds that can be awarded as prizes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 842. By Hefner, 19th District.
This bill introduced on behalf of: Local Government.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 22, of the Constitution of Nebraska, relating to the Legislature; to require the Legislature to appropriate funds for certain new or revised programs and services provided by political subdivisions; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 843. By V. Johnson, 8th District.
This bill introduced on behalf of: the Public.

A BILL FOR AN ACT to amend section 48-1119, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Fair Employment Practices Act; to authorize the award of attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 844. By V. Johnson, 8th District.
This bill introduced on behalf of: the public.

A BILL FOR AN ACT to amend section 84-1409, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to include the governing bodies of certain hospitals within the definition of a public body; and to repeal the original section.

LEGISLATIVE BILL 845. By V. Johnson, 8th District.
This bill introduced on behalf of: Omaha Public Schools.

A BILL FOR AN ACT to amend section 79-1061, Reissue Revised Statutes of Nebraska, 1943, relating to Class V school districts; to change provisions relating to conveyance of certain school land; to harmonize provisions; to repeal the original section; and to declare an emergency.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 14, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burns, Steven D. - Lincoln, (Withdrawn 12/31/81), Nebraska Association of Public Employees
Hall, Norma L. - Elmwood, Women Involved in Farm Economics (W.I.F.E.)
Howard, David - Lincoln, Nebraskans Against the Death Penalty; Association of Nebraska Community Action Agencies
Hoy, Debbra L. - Lincoln, Lincoln Electric System
Lang, Steve - Lincoln, Nebraska Coalition for Life
Lewis, Wineland, Lewis:
  Lewis, Frank - Bellevue, West Nebraska General Hospital; Scottsbluff Public Schools
Moylan, James H. - Omaha, Dain Bosworth Incorporated (Withdrawn 1/1/82)
Noren & Burns:
  Noren, Charles F. - Lincoln, Excel Merchandise & Novelty Company, Inc.
O'Hara, Paul V. - Lincoln, Columbus City Schools; Grand Island Public Schools; Hastings Public Schools
Partsch, Laura J. - Lincoln, Nebraska Dental Association
Peters, William E. - Lincoln, The Tobacco Institute
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Nebraska Judicial Conference (Withdrawn 1/1/82); Prudential Insurance Company of America
Wall, Sue Ellen - Lincoln, Nebraska Coalition for Women
Wineland, Doyle - Bellevue, Lewis, Wineland, Lewis

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 204 and LR 205.

GENERAL FILE

LEGISLATIVE BILL 353. Title read. Considered.

Standing Committee amendments found in the Journal on page 1245 for the Fifty-Fifth Day, First Session, were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Standing Committee amendments, Req. #2213, found in the Journal on page 1259 for the Fifty-Fifth Day, First Session, were considered.

Mr. Koch offered the following amendment to the Standing Committee amendments:

On page 7, line 16 strike the sentence beginning with the word "Any" through the word "transfer." on line 21.

The amendment was adopted with 21 ayes, 0 nays, 19 present and not voting, and 9 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 824. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

Req. #2382

1. On page 8, line 26 strike "between patient and" and show as stricken; and in line 27 strike "physician and" and show as stricken.

2. On page 11, after line 14 insert the following new subsection:

"(3) Notwithstanding any other provision of sections 28-710 to 28-727, a physician, lawyer, or clergyman shall not be required to report information which is a privileged communication pursuant to the lawyer-client privilege in section 27-503, the physician-patient privilege in section 27-504, and the communication to a clergyman privilege in section 27-506. Nothing in sections 28-710 to 28-727 shall be construed to require disclosure of information described in section 20-146.".

3. Insert the following new section:

"Sec. 5. That section 28-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-714. The privileged communication between ~~patient and physician, and between~~ husband and wife~~,~~ shall not be a ground for excluding evidence in any judicial proceeding resulting from a report pursuant to sections 28-710 to 28-717.".

4. On page 14, line 10, strike the first comma and insert "to".

5. Renumber remaining sections accordingly.

ANNOUNCEMENT

Speaker Marvel directed LB 359 be moved from Passed Over to General File.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 210A. By Vickers, 38th District.
This bill introduced on behalf of: LB 210.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 210, Eighty-seventh Legislature, First Session, 1981.

LEGISLATIVE BILL 846. By Sieck, 24th District.
This bill introduced on behalf of: People of State of Nebraska.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3264 and 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980; to provide for an additional sales tax rate; to provide additional funds for the Nebraska Resources Development Fund; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 808	Thursday, January 28, 1982	1:30 p.m.
LB 809	Thursday, February 18, 1982	1:30 p.m.
LB 837	Thursday, February 18, 1982	1:30 p.m.
LB 838	Thursday, February 18, 1982	1:30 p.m.
LB 815	Friday, February 19, 1982	1:30 p.m.
LB 825	Friday, February 19, 1982	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

Judiciary

LB 567	Monday, February 1, 1982	1:30 p.m.
LB 781	Monday, February 1, 1982	1:30 p.m.
LB 818	Monday, February 1, 1982	1:30 p.m.
LB 787	Tuesday, February 2, 1982	1:30 p.m.
LB 783	Tuesday, February 2, 1982	1:30 p.m.
LB 569	Wednesday, February 3, 1982	1:30 p.m.
LB 674	Wednesday, February 3, 1982	1:30 p.m.
LB 745	Wednesday, February 3, 1982	1:30 p.m.
LB 788	Wednesday, February 3, 1982	1:30 p.m.
LB 603	Monday, February 8, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

GENERAL FILE

LEGISLATIVE BILL 36. Title read. Considered.

Standing Committee amendments found in the Journal on page 1309 for the Fifty-Seventh Day, First Session, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 547. Mr. Schmit requested to have LB 547 passed over.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 402. Title read. Considered.

Standing Committee amendments, Req. #2345, found in the Journal on page 1613 for the Sixty-Ninth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Rumery and Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 525. Title read. Considered.

Standing Committee amendments found in the Journal on page 1614 for the Sixty-Ninth Day, First Session, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Carsten and Cope asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 824. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused Monday morning, January 18, 1982. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 805	Tuesday, February 2, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 847. By Schmit, 23rd District.
This bill introduced on behalf of: farmers.

A BILL FOR AN ACT to amend sections 88-401, 88-502, 88-503, and 88-518, Revised Statutes Supplement, 1981, relating to warehouses; to provide for personal sureties; to provide for periodic inspections; to provide for proof of financial responsibility; to redefine a term; to provide an exception to bonding requirements; and to repeal the original sections.

VISITORS

Visitors to the Chamber were 53 fourth and fifth grade students, teachers, and sponsors from Beattie School, Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:30 a.m., Monday, January 18, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 18, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 18, 1982

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Haberman, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighth Day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 198. Placed on Select File as amended.
E & R amendments to LB 198:
Req. #2529

1. Strike new sections 2 and 3 and insert:

"Sec. 2. That section 70-610, Revised Statutes Supplement, 1981, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, their successors shall, except as provided in this section, be nominated and elected and shall take office, subject to the provisions of Chapter 70, article 6. Registered voters residing within the divided or undivided voting precincts ~~in which any or all of the precinct is served by a public power district,~~ except those areas specifically excluded in the chartered territory, or registered voters duly certified in accordance with section 70-604.03 shall be qualified electors of such public power district and shall be eligible to cast ballots for the directors.

Any person filing nomination papers as a candidate for director shall file such nomination papers as provided in Chapter 32. A candidate for director shall be a qualified elector and shall reside within the chartered territory or subdivision as defined in the charter of the district.

In districts receiving annual gross revenue of less than forty million dollars the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates.

In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the application for nomination in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election in a district receiving annual gross revenue of forty million dollars or more, there shall be a vacancy on the ballot for members of board of directors through any cause whatever, the person polling the third highest in the primary shall be the candidate, and if two vacanies exist then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition, by securing signatures of ten per cent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition must be filed with the Secretary of State not less then sixty days prior to the general election. The petition must show the name and address of the candidate, the office to be filled, and the names and addresses of the signers, the truth of which must be

shown by the circulator or circulators thereof by the affidavit filed with such petition. In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the petition in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars. A vacancy shall be deemed to exist whenever any person shall cease for any reason to be a candidate for the office of member of board of directors for which he or she was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections, insofar as applicable to the election of directors of districts organized under the provisions of Chapter 70, article 6. Each public power district shall pay for the election expenses of nominating and electing its directors as provided in this section. Except as provided in this section, the district shall pay to each county wherein the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, seventy-five dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of fourteen thousand but less than twenty thousand inhabitants, two hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

When the name of one or more candidates of a district appears on ballots in less than one half of the precincts in a county, the cost to the district shall be reduced fifty per cent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to the district. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

Sec. 3. That section 70-612, Revised Statutes Supplement, 1981, be amended to read as follows:

70-612. Subject to the provisions of Chapter 70, article 6, and subject to the approval of the Nebraska Power Review Board, the board of directors of a public power district may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precincts, or divided voting precincts, and the total number of electors in each such subdivision shall be approximately the same; Provided, that when no less than ninety per cent of the population of each of two or more such subdivisions is within the corporate limits of any city, members of the board of directors may be nominated and elected at large from such city; and provided further, that in the event a district formed comprises three or more counties, and is solely engaged in furnishing electric light and power to rural customers, or engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following county boundary lines without regard to population if in the judgment of the Nebraska Power Review Board the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.".

2. On page 2, renumber original section 2 as section 4; and in line 26, strike "is" and insert "and sections 70-610 and 70-612, Revised Statutes Supplement, 1981, are".

3. In the title, line 3, insert "and sections 70-610 and 70-612, Revised Statutes Supplement, 1981," after the second comma; in line 4 insert "to provide for divided precincts;" after the semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 274. Placed on Select File as amended.
E & R amendment to LB 274:

1. On page 2, line 24, strike the second "section".

LEGISLATIVE BILL 274A. Placed on Select File.
LEGISLATIVE BILL 413. Placed on Select File.

LEGISLATIVE BILL 32. Placed on Select File as amended.
E & R amendments to LB 32:

1. In the Beutler amendment, insert a comma before "if" and after "act" in lines 2 and 3.
2. In the Vickers amendment, line 5, strike "(4)" and insert "(3)".
3. In the title, line 5, insert "and confiscation" after "penalty".

LEGISLATIVE BILL 215. Placed on Select File as amended.
E & R amendment to LB 215:

1. In the title, line 5, strike "and", and in line 6, insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 347. Placed on Select File as amended.
E & R amendments to LB 347:

1. On page 10, show old matter stricken by the Kilgarin amendments as stricken.
2. In the title, line 4, strike "18-518" and insert "28-518"; strike beginning with the second comma in line 5 through "1980" in line 7; strike beginning with "to" in line 9 through the semicolon in line 10 and insert "to define and redefine offenses;".
3. Strike Committee amendment 4 and renumber original sections 10 to 14 as sections 8 to 12.

LEGISLATIVE BILL 465. Placed on Select File as amended.
E & R amendments to LB 465:

1. On page 2, line 9, strike the second "to" and insert "with"; and in lines 9 and 10 strike "he or she was serving" and insert "being served".
2. In the title, line 2, insert "to amend section 28-904, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1980;" after the semicolon; in line 4 strike "assault" and insert "prescribed offenses"; and in line 5 insert "to define and redefine offenses; and to repeal the original sections" after "custody".

LEGISLATIVE BILL 264. Placed on Select File as amended.
E & R amendments to LB 264:

1. Strike original section 2 and insert:

"Sec. 2. That section 83-388, Revised Statutes Supplement, 1981, be amended to read as follows:

83-388. No person admitted to a residential facility upon the application of his or her parent or parents shall be detained in a residential facility after attaining the age of majority as established by section 38-101, as such section may from time to time be amended, unless a guardian for such person makes an application for continued residence for such person in the facility under section 83-383 or such person is committed ~~pursuant to sections 83-1101 to 83-1139~~ as provided by law for involuntary commitments.".

2. On page 3, line 24, and in the title, line 2, strike "sections" and insert "section"; on page 3, lines 24 and 25, and in the title, line 2, strike "and 83-388"; and on page 3, line 25, and in the title, line 3, insert ", and section 83-388, Revised Statutes Supplement, 1981" after "1943".

LEGISLATIVE BILL 431. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 839 through 847.

LB	**Committee**
839	Miscellaneous Subjects
840	Agriculture and Environment
841	Miscellaneous Subjects
842	Constitutional Revision and Recreation
843	Business and Labor
844	Government, Military and Veterans Affairs
845	Education
846	Revenue
847	Agriculture and Environment

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

MESSAGE FROM THE GOVERNOR

January 15, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 664 was received in my office on January 14, 1982.

This bill was signed by me on January 15, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 848. By Public Works Committee: Kremer, 34th District, Chairperson; DeCamp, 40th District; Hoagland, 6th District; Lamb, 43rd District; Clark, 47th District; Koch, 12th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 2-1579, Revised Statutes Supplement, 1980, relating to the Nebraska Water Conservation Act of 1977; to change certain requirements for eligible projects as prescribed; and to repeal the original section.

LEGISLATIVE BILL 849. By Public Works Committee: Kremer, 34th District, Chairperson; DeCamp, 40th District; Lamb, 43rd District; Clark, 47th District; Koch, 12th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to ground water; to limit damages for superior users of ground water as prescribed.

LEGISLATIVE BILL 850. By Public Works Committee: Kremer, 34th District, Chairperson; DeCamp, 40th District; Koch, 12th District; Clark, 47th District; Lamb, 43rd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, section 46-660, Revised Statutes Supplement, 1980, and section 46-204, Revised Statutes Supplement, 1981, relating to water; to provide for priorities among water users; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 851. By Public Works Committee: Kremer, 34th District, Chairperson; DeCamp, 40th District; Koch, 12th District; Clark, 47th District; Hoagland, 6th District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 46-283, Revised Statutes Supplement, 1980, relating to irrigation; to provide intent; to define a term; to change certain provisions relating to reusing ground water; and to repeal the original section.

LEGISLATIVE BILL 852. By Public Works Committee: Kremer, 34th District, Chairperson; DeCamp, 40th District; Koch, 12th District; Clark, 47th District; Hoagland, 6th District; Lamb, 43rd District; Beutler, 28th District; Wesely, 26th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to adopt the Joint Public Power Authority Act; and to provide for severability.

RESOLUTIONS

LEGISLATIVE RESOLUTION 206. Read. Considered.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the adoption of LR 206.

Voting in the affirmative, 24:

Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
Duda
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 10:

DeCamp
Hefner
Johnson, L.
Kremer
Lamb
Peterson, H.
Schmit
Stoney
Von Minden
Wagner

Present and not voting, 12:

Apking
Barrett
Chronister
Clark
Cope
Fenger
Goll
Kahle
Peterson, R.
Pirsch
Remmers
Rumery

Excused and not voting, 2:

Haberman Warner

Absent and not voting, 1:

Goodrich

LR 206 failed with 24 ayes, 10 nays, 12 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 199. Read. Considered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 252. No objections. So ordered.

Mr. Schmit offered the following amendment:

WHEREAS, a free labor movement is one of the cornerstones of a free society; and

WHEREAS, the right of workers to bargain collectively is a hallmark of a free labor movement; and

WHEREAS, the government of Poland is attempting to suppress the free labor movement in that country through totalitarian means; and

WHEREAS, we as citizens of Nebraska and the United States should affirm our solidarity with the workers and people of Poland; and

WHEREAS, President Reagan has expressed his support for the shipment of wheat to Poland through private, charitable channels;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature affirms its support for the workers and people of Poland and endorses private charitable efforts to provide food for the citizens of Poland.

Mr. Schmit moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Apking
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Lamb
Marsh
Nichol
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 9.

Chambers
Dworak
Fowler
Higgins
Johnson, V.
Labedz
Landis
Newell
Pirsch

Present and not voting, 10:

Barrett
Beutler
Beyer
Fenger
Goll
Goodrich
Marvel
Peterson, R.
Remmers
Vickers

Excused and not voting, 2:

Haberman
Warner

The Schmit amendment was adopted with 28 ayes, 9 nays, 10 present and not voting, and 2 excused and not voting.

LR 199 was adopted, as amended, with 32 ayes, 3 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 473. Indefinitely postponed.
LEGISLATIVE BILL 550. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 738 in the Journal. No objections. So ordered.

1. On page 3, line 15, strike the first "Office" and insert "Board", after "the" strike "State Energy Office" and insert "Power Review Board".

2. On page 4, lines 8, 9, and 15 strike "office" and insert "board".

3. On page 5, lines 14 and 21 strike "office" and insert

"board".

4. On page 6, lines 3, 6, and 9 strike "office" and insert "board"; and in line 18 strike "office's" and insert "board's".

STANDING COMMITTEE REPORT

Agriculture and Environment

The Agriculture and Environment Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments listed below which were present at a public hearing on Friday, January 15, 1982. The Agriculture and Environment Committee suggests the appointments be confirmed by the Nebraska Legislature.

Homer C. Loutzenheiser-Environmental Control Council
Al Wood-Environmental Control Council
Donald H. Larson-Nebraska Gasohol Committee

Voting aye: Senators Schmit, Wagner, Nichol, R. Peterson, Remmers, Sieck, and Wiitala. Absent and not voting was Senator Burrows.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 853. By Fowler, 27th District.
This bill introduced on behalf of: dental assistants.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-183.01, 71-193.13, and 71-193.14, Reissue Revised Statutes of Nebraska, 1943, and sections 71-116 and 71-122.01, Revised Statutes Supplement, 1981; to provide for the registration of dental assistants as prescribed; to define terms; to provide intent; to provide penalties; to provide for an additional appointment to the Board of Examiners in Dentistry as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 854. By Fowler, 27th District.
This bill introduced on behalf of: hearing impaired.

A BILL FOR AN ACT relating to the hearing impaired; to provide a news and information system for the hearing impaired as prescribed.

LEGISLATIVE BILL 855. By Fowler, 27th District.
This bill introduced on behalf of: homeowners.

A BILL FOR AN ACT relating to real estate; to define terms; to provide certain restrictions relating to real estate transactions involving security interests as prescribed.

LEGISLATIVE BILL 856. By Fowler, 27th District.
This bill introduced on behalf of: subcontractors.

A BILL FOR AN ACT relating to penalties; to amend sections 52-124 and 76-239.05, Reissue Revised Statutes of Nebraska, 1943; to increase penalties for certain violations; and to repeal the original sections.

LEGISLATIVE BILL 857. By Fowler, 27th District.
This bill introduced on behalf of: Lancaster County.

A BILL FOR AN ACT to amend section 77-1502, Reissue Revised Statutes of Nebraska, 1943, and section 77-1315, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change certain provisions relating to the time of completion of real estate assessments; to change provisions relating to filing protests as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 858. By Marsh, 29th District.
This bill introduced on behalf of: animals and the Nebraska Humane Society.

A BILL FOR AN ACT relating to crimes and punishments; to define terms; to change provisions relating to cruelty to animals as prescribed; to prohibit certain activities as prescribed; to provide penalties; and to repeal sections 28-1001 and 28-1002, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 859. By Marsh, 29th District.
This bill introduced on behalf of: tourism and students.

A BILL FOR AN ACT to adopt an official state fish.

LEGISLATIVE BILL 960. By Nichol, 48th District.
This bill introduced on behalf of: wrecker operators.

A BILL FOR AN ACT to amend sections 39-6,179 and 39-6,180, Revised Statutes Supplement, 1980, relating to rules of the road; to permit an exception to weight and length requirements for certain towing combinations; and to repeal the original sections.

LEGISLATIVE BILL 861. By Nichol, 48th District.
This bill introduced on behalf of: sugar beet growers.

A BILL FOR AN ACT to adopt the Agricultural Bargaining Act.

LEGISLATIVE BILL 862. By Beutler, 28th District.
This bill introduced on behalf of: truckers of Nebraska.

A BILL FOR AN ACT to amend section 60-1001.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to authorize the use of unmarked patrol cars as prescribed; and to repeal the original section.

LEGISLATIVE BILL 863. By Landis, 46th District.
This bill introduced on behalf of: fiscal restraint.

A BILL FOR AN ACT relating to public health; to amend sections 42-123, 71-1116, and 71-2619, Reissue Revised Statutes of Nebraska, 1943; to change fees for standard serological tests required by the Department of Health and for certain other tests as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 864. By Hefner, 19th District; H. Peterson, 35th District.
This bill introduced on behalf of: National Right to Work Committee.

A BILL FOR AN ACT relating to labor; to define a term; and to provide that employees may choose whether or not to support labor organizations.

LEGISLATIVE BILL 865. By Goodrich, 20th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to provide for the award of attorney's fees in certain cases.

LEGISLATIVE BILL 866. By Goodrich, 20th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to financial institutions; to provide that certain account information be printed on drafts and checks as prescribed; and to provide an operative date.

LEGISLATIVE BILL 867. By Goodrich, 20th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend sections 25-1530 and 25-1540, Reissue Revised Statutes of Nebraska, 1943, relating to foreclosure proceedings; to authorize an award of attorney's fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 868. By Fenger, 45th District.
This bill introduced on behalf of: Political Subdivision with SID's.

A BILL FOR AN ACT to amend sections 31-727, 31-727.02, 31-733, 31-737, 31-741 to 31-747, 31-750 to 31-752, 31-754, 31-756, and 31-759, Reissue Revised Statutes of Nebraska, 1943, sections 31-734, 31-739, 31-740, 31-748, 31-749, and 31-755, Revised Statutes Supplement, 1980, and section 31-753, Revised Statutes Supplement, 1981, relating to sanitary and improvement districts; to provide for an adminstrator as prescribed; to create a fund; to change provisions relating to certain charges of the district; to allow for a special lien for warrant holders; to provide procedure for the appointment of an adminstrator; to provide duties; to harmonize provisions; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 869. By Stoney, 4th District.
This bill introduced on behalf of: all Nebraskans.

A BILL FOR AN ACT to amend section 53-180.05, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to prohibit the alteration of forms of identification as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 870. By Stoney, 4th District.
This bill introduced on behalf of: all Nebraskans.

A BILL FOR AN ACT to amend section 39-669.07, Revised Statutes Supplement, 1980, relating to rules of the road; to change penalties relating to driving under the influence of alcohol or drugs; to provide for the recording of violations as prescribed; to restrict plea bargaining as prescribed; and to repeal the original section.

LEGISLATIVE BILL 871. By Government, Military and Veterans Affairs Committee: Kahle, 37th District, Chairperson; Kilgarin, 7th District; Chambers, 11th District; Landis, 46th District; Chronister, 18th District; V. Johnson, 8th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to certain public officers; to provide for reinstatement of state legislators and certain city or county officers to their former positions of employment after leaving office.

LEGISLATIVE BILL 872. By Wiitala, 31st District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT relating to political subdivisions; to allow counties to assume responsibility for maintaining certain streets, roads, and sewers; to provide duties for county surveyors; and to authorize counties to levy a wheel tax for certain purposes.

LEGISLATIVE BILL 873. By Schmit, 23rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 66-467.01, Revised Statutes Supplement, 1980, relating to motor vehicle fuels; to change the amount of funds credited to the Agricultural Alcohol Fuel Tax Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 874. By Kremer, 34th District; Schmit, 23rd District; Cullan, 49th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 60-330, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutes Supplement, 1981, relating to motor vehicle registration; to change the definition of farm trucks as prescribed; to change provisions relating to the registration of certain truck-tractor and semitrailer combinations; to harmonize provisions; to provide penalties; and to repeal the original sections, and also section 60-331.04, Reissue Revised Statutes of Nebraska, 1943.

MOTION - Reconsider Action on LR 206

Mr. DeCamp moved to reconsider the motion to adopt LR 206.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

The DeCamp motion to reconsider action on LR 206 prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 206. Considered.

Mr. Chambers offered the following amendment:

In second WHEREAS, strike "a" and add "one of the".

Strike last WHEREAS.

Strike the first paragraph of the "Resolve", and insert:

That the Legislature recommends that the Reagan Administration reevaluate its policies toward South Africa to insure that none of those policies aid or abet actions by the South African government which undermine any free labor movement, and affirms its solidarity with the workers and people of South Africa.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LR 206 was adopted, as amended, with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 207. Read. Considered.

LR 207 was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 378. Considered.

Mr. Wesely renewed his pending motion found in the Journal on page 295 to indefinitely postpone LB 378.

Messrs. Fowler, Beutler, DeCamp, and H. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Cullan requested a record vote on the Wesely motion.

Voting in the affirmative, 9:

Dworak
Hoagland
Johnson, V.
Kilgarin
Landis
Newell
Stoney
Wesely
Wiitala

Voting in the negative, 26:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Koch
Kremer
Lamb
Marsh
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Wagner

Present and not voting, 8:

Chambers	Higgins	Marvel	Vickers
Clark	Labedz	Schmit	Von Minden

Excused and not voting, 6:

Beutler	Fowler	Peterson, H.
DeCamp	Haberman	Warner

The Wesely motion lost with 9 ayes, 26 nays, 8 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. H. Peterson asked unanimous consent to have his name added as co-introducer to LB 846. No objections. So ordered.

Mr. Rumery asked unanimous consent to have his name added as co-introducer to LB 587. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 604	Monday, January 25, 1982	1:30 p.m.
LB 604A	Monday, January 25, 1982	1:30 p.m.
LB 657	Monday, January 25, 1982	1:30 p.m.
LB 754	Tuesday, January 26, 1982	1:30 p.m.

(Signed) Myron Rumery, Vice Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 875. By Remmers, 1st District.
This bill introduced on behalf of: a constituent.

A BILL FOR AN ACT to amend section 17-559, Reissue Revised Statutes, 1943, relating to cities of the second class and villages; to change a provision relating to eminent domain; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 876. By Burrows, 30th District.

This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to the computation of franchise taxes due for certain corporations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 877. By Rumery, 42nd District.
This bill introduced on behalf of: Deborah Lockwood Haverland.

A BILL FOR AN ACT to amend section 60-411, Reissue Revised Statutes of Nebraska, 1943, and sections 60-406.04, Revised Statutes Supplement, 1981, relating to motor vehicles; to change provisions relating to temporary operators' licenses as prescribed; to change provisions relating to renewal of operators' licenses; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. By Koch, 12th District.
This bill introduced on behalf of: Domestic Business Interest.

A BILL FOR AN ACT to amend section 77-2743, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change provisions relating to apportionment of business income as prescribed; and to repeal the original section.

LEGISLATIVE BILL 879. By V. Johnson, 8th District.
This bill introduced on behalf of: AFSCME, AFL-CIO

A BILL FOR AN ACT to amend section 84-1003, Reissue Revised Statutes of Nebraska, 1943, relating to state officers; to provide for a salary shift differential as prescribed; and to repeal the original section.

LEGISLATIVE BILL 880. By Wesely, 26th District; Kilgarin, 7th District; Hoagland, 6th District; Wiitala, 31st District; V. Johnson, 8th District.
This bill introduced on behalf of: Taxpayers.

A BILL FOR AN ACT to adopt the Health Care Facility Reporting Act; and to provide for severability.

VISITORS

Visitors to the Chamber were Ron Stoddard from Colorado; Mr. and Mrs. Byrl Hopkins from Scottsbluff; 35 students and teacher from

Dawes Elementary, Lincoln; 25 students, teachers, and sponsor from Elliott School, Lincoln; and Mr. and Mrs. Dennis Eberspacher from Lincoln.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Carsten, the Legislature adjourned until 9:00 a.m., Tuesday, January 19, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 19, 1982

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 19, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 19, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Gerald Lundby, Pastor, American Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Dworak, Fowler, Hoagland, V. Johnson, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 309, line 5, strike "7 nays" and insert "9 nays".
The Journal for the Eighth Day was approved as corrected.

Page 322, line 32, strike "960" and insert "860".
The Journal for the Ninth Day was approved as corrected.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 606	Monday, January 25, 1982	1:30 p.m.
LB 802	Monday, January 25, 1982	1:30 p.m.
LB 829	Monday, January 25, 1982	1:30 p.m.
LB 828	Tuesday, January 26, 1982	1:30 p.m.
LB 835	Tuesday, January 26, 1982	1:30 p.m.
LB 836	Tuesday, January 26, 1982	1:30 p.m.

LB 831	Monday, February 1, 1982	1:30 p.m.
LB 832	Monday, February 1, 1982	1:30 p.m.
LB 602	Tuesday, February 2, 1982	1:30 p.m.
LB 768	Tuesday, February 9, 1982	1:30 p.m.

(Signed) Samuel K. Cullan, Chairperson

Administrative Rules and Regulations Review

LB 792	Monday, January 25, 1982	12:00 noon

(Signed) Vard R. Johnson, Chairperson

Urban Affairs

LB 820	Wednesday, January 27, 1982	1:30 p.m.
LB 807	Wednesday, February 3, 1982	1:30 p.m.
LB 817	Wednesday, February 3, 1982	1:30 p.m.
LB 821	Wednesday, February 3, 1982	1:30 p.m.
LB 823	Wednesday, February 3, 1982	1:30 p.m.

(Signed) Dave Landis, Chairperson

MESSAGE FROM THE SECRETARY OF STATE

January 13, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

> Frederic A. Gottschalk, 1905 Yorkshire Court, Lincoln, Nebraska 68506, Member of the Nebraska Accountability and Disclosure Commission, for a term of six years, ending June 30, 1987.

This appointment was made by me, pursuant to the provisions of Section 49-14,105.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

cc: Fred Gottschalk
Accountability & Disclosure Commission
Enclosures: Copy of Appointment
Copy of personal vitae

CERTIFICATE

STATE OF NEBRASKA
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that
TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING
KNOW YE, that I, Allen J. Beermann, Secretary of State of the State of Nebraska, reposing special trust and confidence in the integrity, patriotism and ability of Frederic A. Gottschalk, Lincoln, Nebraska, on behalf and in the name of the State do hereby appoint and commission him a MEMBER OF THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION and do authorize and empower him to discharge the duties of said office according to law; this appointment to take effect and be in force on and after July 1, 1981, and to continue for such time as he shall satisfactorily perform the duties imposed upon such officer by law and for six (6) years ending June 30, 1987.

This appointment is made pursuant to the provisions of Section 49-14,105, Revised Statutes of Nebraska, and that said appointment shall and will be submitted to the next session of the Legislature for confirmation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Nineteenth Day of June in the year of our Lord, one thousand nine hundred and Eighty-One.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 492. Placed on Select File as amended.
E & R amendment to LB 492:

1. In the title, strike beginning with "to" in line 3 through the first semicolon in line 4; and strike beginning with the semicolon in line 5 through "revenue" in line 6.

LEGISLATIVE BILL 403. Placed on Select File as amended.
E & R amendments to LB 403:
Req. #2540

1. Pursuant to the amendment of section 81-885.24, by Laws 1981, LB 238, section 2 and the committee amendments that were adopted on January 8, 1982, original section 1 has been deleted and the following section inserted:

"Section 1. That section 81-885.24, Revised Statutes Supplement, 1981, be amended to read as follows:

81-885.24. The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any broker, associate broker, salesperson, or subdivider and shall have power to censure the licensee or certificate holder or to revoke or suspend any license or certificate, issued under sections 81-885.01 to 81-885.47 whenever the license or certificate has been obtained by false or fraudulent representation or the licensee or certificate holder has been found guilty of any of the following unfair trade practices:

(1) Refusing because of race, color, national origin, or ethnic group to show, sell, or rent any real estate for sale or rent to prospective purchasers or renters;

(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted;

(3) Failing to account for and remit any money coming into his or her possession belonging to others;

(4) Commingling the money or other property of his or her principals with his or her own;

(5) Failing to maintain and deposit in a separate noninterest-bearing checking account all money received

by a broker acting in such capacity, or as escrow agent, or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;

(6) Accepting, giving, or charging any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;

(8) Accepting a commission or other valuable consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;

(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;

(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;

(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;

(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent;

(13) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;

(14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker, or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract granting an exclusive agency or an exclusive right to sell to himself or herself or his or her employing broker;

(15) Accepting employment or compensation for appraising real estate contingent upon the reporting of a predetermined value or issuing an appraisal report on real estate in which he or she has an undisclosed interest;

(16) Soliciting, selling, or offering for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real estate;

(17) Paying a commission or compensation to any person for performing the services of a broker, associate broker, or sales person who has not first secured his or her license under sections 81-885.01 to 81-885.47 unless such person is a nonresident who is licensed in his or her state of residence;

(18) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal;

(19) Failing to deliver within a reasonable time a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;

(20) Failing by a broker to deliver to the seller in every real estate transaction, at the time the transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller, failing to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, and failing to retain true copies of such statements in his or her files;

(21) Making any sustantial misrepresentations;

(22) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts;

(23) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker;

(24) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists;

(25) Violating any rule or regulation promulgated by the commission in the interest of the public and consistent with the provisions of sections 81-885.01 to 81-885.47;

(26) Failing by a subdivider, after the original certificate has been issued, to comply with all of the requirements of sections 81-885.01 to 81-885.47;

(27) The broker or salesperson has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony charge; ~~or~~

(28) Demonstrating unworthiness or incompetency to act as a broker, associate broker, or sales person, whether of the same or of a different character as

hereinbefore specified; or

(29) Inducing or attempting to induce a person to transfer an interest in real property whether or not for monetary gain, or discouraging another person from purchasing real property, by representing that (a) a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, age, sex, or marital status of the owners or occupants in the block, neighborhood, or area, or (b) such change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area.".

2. On page 7, line 12, "1980" has been stricken and "1981" inserted.

3. In the title, line 3, "1980" has been stricken and "1981" inserted.

LEGISLATIVE BILL 229. Placed on Select File.
LEGISLATIVE BILL 563. Placed on Select File.
LEGISLATIVE BILL 564. Placed on Select File.
LEGISLATIVE BILL 565. Placed on Select File.
LEGISLATIVE BILL 566. Placed on Select File.
LEGISLATIVE BILL 592. Placed on Select File.
LEGISLATIVE BILL 309. Placed on Select File.

LEGISLATIVE BILL 417. Placed on Select File as amended.
E & R amendments to LB 417:
Req. #2539

1. Pursuant to the amendment of section 39-6,177 by Laws 1981, LB 285, section 2, and the adoption of standing committee amendment 2, original section 5 has been stricken and the following section inserted:

"Sec. 5. That section 39-6,177, Revised Statutes Supplement, 1981, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) combines in excess of fifteen feet in width moving between sunrise and sunset, but not to exceed twenty-five miles travel on a highway, and preceded by a well-lighted pilot vehicle or flagperson, in the normal course of farm operations, (5) farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours, ~~(5)~~ (6) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, ~~(6)~~ (7) livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, ~~(7)~~ (8) vehicles hauling baled livestock forage which, including the load thereon, may be twelve feet in width, ~~(8)~~ (9) a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads,

(c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds, ~~(9)~~ (10) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation, ~~(10)~~ (11) buses operated by a city or village and engaged in the transportation of passengers which may be one hundred two inches in width plus an additional width for safety devices, or ~~(11)~~ (12) mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width moving during daylight hours. The Director-State Engineer, with respect to highways under his or her jurisdication, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision ~~(11)~~ (12) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.".

2. On page 5, line 20, and in the title, line 3, strike "1980" and insert "1981".

3. In the title, line 6, strike "and"; and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 421. Placed on Select File as amended.
E & R amendment to LB 421:

1. On page 3, insert "that" after "extent" in line

2 and "except" in line 23; and in lines 24 and 25 strike "in such report".

LEGISLATIVE BILL 418. Placed on Select File.
LEGISLATIVE BILL 490. Placed on Select File.

LEGISLATIVE BILL 542. Placed on Select File as amended.
E & R amendment to LB 542:

1. On page 6, line 9, and in the title, line 10, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1981".

(Signed) Karen Kilgarin, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 881. By Fenger, 45th District; Pirsch, 10th District; Kilgarin, 7th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend sections 14-1041 and 14-1042, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan utilities districts; to change provisions relating to payments to cities and villages; to remove obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 882. By Beutler, 28th District.
This bill introduced on behalf of: taxpayers of Nebraska.

A BILL FOR AN ACT relating to state officers; to amend sections 1-112, 84-301, and 84-304.01, Reissue Revised Statutes of Nebraska, 1943; to define the profession of accountancy; to provide for applicability of certain rules; to require the public auditor and the deputy public auditor to be certified as prescribed; to provide the State Board of Public Accounting with certain powers; to provide a grievance procedure for certain employees; and to repeal the original sections.

LEGISLATIVE BILL 883. By Cullan, 49th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to change provisions relating to medical assistance payments as prescribed; to provide a procedure for reduction of certain medical payments for hospital services as prescribed; to harmonize provisions; and to repeal the original section, and also section 68-1020, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 884. By Cullan, 49th District.
This bill introduced on behalf of: people and Silverhaired Unicameral.

A BILL FOR AN ACT relating to the distribution of federal block grant funds; to give first priority to senior nutrition programs.

LEGISLATIVE BILL 885. By Wagner, 41st District.
This bill introduced on behalf of: Rudy Kokes for Equitable Representation.

A BILL FOR AN ACT to amend section 2-1504, Revised Statutes Supplement, 1980, relating to the Nebraska Natural Resources Commission; to change certain provisions relating to membership; and to repeal the original section.

LEGISLATIVE BILL 886. By Hefner, 19th District.
This bill introduced on behalf of: Local Government.

A BILL FOR AN ACT to amend sections 48-801, 48-816, 48-817, and 48-819.01, Revised Statutes Supplement, 1980, relating to labor; to define terms; to change provisions relating to the powers and duties of the Commission of Industrial Relations; and to repeal the original sections.

LEGISLATIVE BILL 887. By Vickers, 38th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend section 19-2903, Reissue Revised Statutes of Nebraska, 1943, relating to municipal audits; to change certain provisions relating to the annual audit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 888. By Newell, 13th District.
This bill introduced on behalf of: Phil Morrison grocery store owner.

A BILL FOR AN ACT to amend section 53-177, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to allow retail licensees to sell beer in certain areas as prescribed; and to repeal the original section.

LEGISLATIVE BILL 889. By Wesely, 26th District; Vickers, 38th District.
This bill introduced on behalf of: Nebraska ratepayers.

A BILL FOR AN ACT to amend section 70-637, Revised Statutes Supplement, 1981, relating to power districts and corporations; to change provisions relating to bids as prescribed; and to repeal the original section.

LEGISLATIVE BILL 890. By Vickers, 38th District; Remmers, 1st District; Koch, 12th District.
This bill introduced on behalf of: people of the State.

A BILL FOR AN ACT to amend section 77-27,119, Revised Statutes Supplement, 1981, relating to taxation; to change a provision relating to completion of income tax forms as prescribed; and to repeal the original section.

LEGISLATIVE BILL 891. By Haberman, 44th District.
This bill introduced on behalf of: Nebraska schools.

A BILL FOR AN ACT to amend section 79-1287, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Teacher's Professional Negotiations Act; to change the application of such act; and to repeal the original section.

LEGISLATIVE BILL 892. By Haberman, 44th District.
This bill introduced on behalf of: Class III schools.

A BILL FOR AN ACT to amend section 79-805, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to meetings as prescribed; and to repeal the original section.

LEGISLATIVE BILL 893. By Schmit, 23rd District.
This bill introduced on behalf of: Nebraska Wheat Growers and people.

A BILL FOR AN ACT relating to agriculture; to provide intent; to define terms; to allow the Nebraska Wheat Development, Utilization, and Marketing Board to determine a minimum price for wheat sold in the state; to provide a penalty; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 894. By Schmit, 23rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT to amend section 44-513, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide intent; to remove the practice of chiropractic from certain insurance policy provisions; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused at 10:30 today and Wednesday, January 20, 1982. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 375. Considered.

Messrs. Schmit and Kremer renewed the pending amendment, Req. #2505, referred to in the Journal on page 232 and printed separate from the Journal and on file in the Clerk's Office.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a division of the question on the Schmit-Kremer amendment.

The Chair sustained the division of the question.

Section 1 was considered.

Mr. Vickers offered the following amendment to Section 1:

1. Page 1, line 20, Sec. 1, strike "extend" and insert "maintain the productivity of the"; line 21 and 22 strike "life to the greatest extent practicable" and insert "indefinitely".

MR. CLARK PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 13:

Apking
Beutler
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Landis
Marsh
Remmers
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Peterson, H.
Peterson, R.
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Present and not voting, 7:

Burrows
Chambers
Kilgarin
Koch
Marvel
Newell
Rumery

Excused and not voting, 3:

Carsten
Nichol
Pirsch

The Vickers amendment to Section 1 lost with 13 ayes, 26 nays, 7 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

The following bills were for the first time by title:

LEGISLATIVE BILL 895. By Koch, 12th District; Remmers, 1st District.
This bill introduced on behalf of: Class II, III, IV, and V School Districts.

A BILL FOR AN ACT to amend section 79-4,102, Revised Statutes Supplement, 1980, relating to schools; to change provisions for determination of the high school tuition rate for nonresident pupils; and to repeal the original section.

LEGISLATIVE BILL 896. By Koch, 12th District.
This bill introduced on behalf of: handicapped citizens.

A BILL FOR AN ACT to amend section 85-962, Revised Statutes Supplement, 1980, relating to postsecondary education; to change a provision relating to instructional and service priorities of technical community college areas; and to repeal the original section.

LEGISLATIVE BILL 897. By Wagner, 41st District.
This bill introduced on behalf of: citizens of Nebraska.

A BILL FOR AN ACT relating to public health and welfare; to adopt provisions relating to public lodging and eating facilities; to define terms; to establish standards; to provide for inspections; to limit liability as prescribed; and to provide a penalty.

LEGISLATIVE BILL 898. By DeCamp, 40th District.
This bill introduced on behalf of: people who pay taxes and/or live in Nebraska.

A BILL FOR AN ACT to amend sections 77-3606 to 77-3608 and 77-3610, Revised Statutes Supplement, 1981, relating to revenue and taxation; to extend payments from the Local Government Revenue Fund for one year; to repeal provisions relating to the Political Subdivision Property Tax Relief Fund; and to repeal the original sections, and also sections 77-3611 to 77-3615, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 899. By Kahle, 37th District.
This bill introduced on behalf of: League of Municipalities.

A BILL FOR AN ACT to amend sections 19-629 and 19-634, Reissue Revised Statutes of Nebraska, 1943, and sections 19-426, 19-4202, and 19-4207, Revised Statutes Supplement, 1980, relating to cities and villages; to require a statement of grounds for removal on recall petitions and ballots; and to repeal the original sections.

LEGISLATIVE BILL 900. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Duda, 14th District; Von Minden, 17th District; Beyer, 3rd District; Fenger, 45th District; Barrett, 39th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 53-168, Revised Statutes Supplement, 1981, relating to liquors; to eliminate a restriction on the participation by wholesalers and retailers in certain merchandising plans; and to repeal the original section.

LEGISLATIVE BILL 901. By Hoagland, 6th District.
This bill introduced on behalf of: the churches, synagogues and cemeteries of the State of Nebraska.

A BILL FOR AN ACT relating to crimes and punishments; to provide a penalty for acts of vandalism as prescribed.

LEGISLATIVE BILL 902. By Hoagland, 6th District.
This bill introduced on behalf of: the people of Douglas County, Nebraska.

A BILL FOR AN ACT to amend section 24-708, Reissue Revised Statutes of Nebraska, 1943, relating to judges retirement; to change provisions relating to mandatory retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 903. By Revenue Committee: Carsten, 2nd District, Chairperson; Newell, 13th District; H. Peterson, 35th District; Wagner, 41st District; Hefner, 19th District; Burrows, 30th District; Kahle, 37th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend sections 66-439 and 66-624, Reissue Revised Statutes of Nebraska, 1943, and section 66-466, Revised Statutes Supplement, 1980, relating to taxation; to provide a reward for the disclosure of certain information; to provide for a special fuels tax prepaid user permit as prescribed; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 904. By Beyer, 3rd District.
This bill introduced on behalf of: Sarpy County.

A BILL FOR AN ACT to amend section 14-117, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to limit the powers of the city council to extend city boundaries; and to repeal the original section.

LEGISLATIVE BILL 905. By Burrows, 30th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT to amend section 37-214.04, Revised Statutes Supplement, 1980, relating to permits to hunt and fish; to change the age at which persons are eligible for certain fishing permits; and to repeal the original section.

LEGISLATIVE BILL 906. By Burrows, 30th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT to amend section 71-148, Revised Statutes Supplement, 1981, relating to public health; to define acts of unprofessional conduct; to limit the collection of professional fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 907. By Burrows, 30th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT relating to insurance; to provide that certain policies include certain coverage; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 908. By Burrows, 30th District.
This bill introduced on behalf of: Silver Haired Legislature.

A BILL FOR AN ACT to amend section 19-3911, Revised Statutes Supplement, 1981, relating to public transportation; to change funding provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 909. By Goll, 16th District.
This bill introduced on behalf of: village of Walthill, Nebraska.

A BILL FOR AN ACT to amend section 17-567, Reissue Revised Statutes of Nebraska, 1943, and section 17-503, Revised Statutes Supplement, 1981, relating to cities of the second class and villages; to provide for the sale of real and personal property as prescribed; to eliminate provisions relating to the sale of public squares, streets, and alleys; and to repeal the original sections.

LEGISLATIVE BILL 910. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to certain notices; to amend sections 30-2209, 30-2220, 30-2476, and 33-141, Reissue Revised Statutes of Nebraska, 1943; to change notice requirements as prescribed; to harmonize provisions; to provide for an increase in the rate for legal notices; and to repeal the original sections, and also section 30-238, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 911. By Hoagland, 6th District; Wiitala, 31st District.
This bill introduced on behalf of: parent resources and information for drug education.

A BILL FOR AN ACT relating to crimes and offenses; to prohibit the manufacture or distribution of imitation controlled substances as prescribed; to define terms; to provide penalties; to provide exceptions; to harmonize provisions; to provide for forfeitures; to amend sections 28-101, 28-401, and 28-431, Revised Statutes

Supplement, 1980; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 912. By Newell, 13th District.
This bill introduced on behalf of: conscientious state employees.

A BILL FOR AN ACT to amend section 81-1323, Reissue Revised Statutes of Nebraska, 1943, relating to the state personnel system; to change provisions relating to sick leave; and to repeal the original section.

LEGISLATIVE BILL 913. By Labedz, 5th District.
This bill introduced on behalf of: correctional employees.

A BILL FOR AN ACT relating to crimes and offenses; to provide a penalty for certain assaults; to amend section 28-101, Revised Statutes Supplement, 1980; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 914. By Newell, 13th District; V. Johnson, 8th District.
This bill introduced on behalf of: auto owners of Nebraska.

A BILL FOR AN ACT to amend section 66-414, Reissue Revised Statutes of Nebraska, 1943, and section 77-2702, Revised Statutes Supplement, 1981, relating to revenue; to change shrinkage allowances for motor fuel dealers; to redefine a term; to exempt occasional sales of motor vehicles from the sales and use tax; to provide an operative date; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 852	Friday, January 29, 1982	1:30 p.m.
LB 785	Wednesday, February 10, 1982	1:30 p.m.
LB 408	Wednesday, February 10, 1982	1:30 p.m.
LB 771	Thursday, February 11, 1982	1:30 p.m.
LB 772	Thursday, February 11, 1982	1:30 p.m.
LB 763	Wednesday, February 17, 1982	1:30 p.m.
LB 794	Wednesday, February 17, 1982	1:30 p.m.
LB 824	Wednesday, February 17, 1982	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

Nebraska Retirement Systems

LB 609	Wednesday, January 27, 1982	7:00 p.m.
LB 810	Wednesday, January 27, 1982	7:00 p.m.
LB 811	Wednesday, January 27, 1982	7:00 p.m.

(Signed) Steve Fowler, Chairperson

Revenue

LB 656	Monday, January 25, 1982	1:30 p.m.
LB 740	Monday, January 25, 1982	1:30 p.m.
LB 741	Monday, January 25, 1982	1:30 p.m.
LB 712	Tuesday, January 26, 1982	1:30 p.m.
LB 753	Tuesday, January 26, 1982	1:30 p.m.
LB 762	Tuesday, January 26, 1982	1:30 p.m.
LB 693	Wednesday, January 27, 1982	1:30 p.m.
LB 757	Wednesday, January 27, 1982	1:30 p.m.
LB 760	Wednesday, January 27, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 848 through 880.

LB	**Committee**
848	Public Works
849	Public Works
850	Public Works
851	Public Works
852	Public Works
853	Public Health and Welfare
854	Government, Military and Veterans Affairs
855	Banking, Commerce and Insurance
856	Judiciary
857	Revenue
858	Judiciary
859	Miscellaneous Subjects
860	Public Works
861	Agriculture and Environment
862	Judiciary

863	Public Health and Welfare
864	Business and Labor
865	Judiciary
866	Banking, Commerce and Insurance
867	Judiciary
868	Urban Affairs
869	Miscellaneous Subjects
870	Judiciary
871	Government, Military and Veterans Affairs
872	Government, Military and Veterans Affairs
873	Agriculture and Environment
874	Public Works
875	Urban Affairs
876	Revenue
877	Public Works
878	Revenue
879	Government, Military and Veterans Affairs
880	Public Health and Welfare

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 511. Placed on Select File as amended. E & R amendments to LB 511:

1. Pursuant to the amendment of section 60-301 by Laws 1981, LB 285, section 7, on page 2, line 2, "1980" has been stricken and "1981" inserted; and on page 9, line 12, a period has been inserted after "displacement" and the remainder of lines 12 and 13 stricken.
2. On page 9, line 15, "1980" has been stricken and "1981" inserted.
3. In the title, line 3, strike "1980" and insert "1981"; in line 4, strike "clarify" and insert "change" and after the semicolon insert "to provide for registration of certain vehicles; to provide a penalty;" after the semicolon.

LEGISLATIVE BILL 423. Placed on Select File as amended. E & R amendment to LB 423:

1. In the title, strike lines 2 to 8 and insert: "FOR AN ACT to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943, relating to public schools; to expand the health education program; and to repeal the original section.".

LEGISLATIVE BILL 192. Placed on Select File as amended.
E & R amendments to LB 192:

1. In the Vicker's amendment, page 1, line 11, a period has been inserted after "unjust".

2. In the title, line 5, strike "and" and insert "; and to provide severability" after "exceptions".

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendment to LB 231:

1. In the title, strike beginning with "to" in line 5 through the semicolon in line 6.

LEGISLATIVE BILL 454. Placed on Select File.
LEGISLATIVE BILL 304. Placed on Select File.

LEGISLATIVE BILL 69. Placed on Select File as amended.
E & R amendments to LB 69:

1. The second DeCamp amendment has been numbered as section 2; and "section " has been inserted after "in" in line 4.

2. In lieu of the R. Maresh amendment the following matter has been inserted after the period on page 2, line 14: "This section shall not apply to motor vehicles which are not required to be licensed by the Department of Motor Vehicles pursuant to Chapter 60, article 3, unless such motor vehicle is operated by an individual actually maintaining a permanent residence in this state in excess of six months.".

LEGISLATIVE BILL 139. Placed on Select File.
LEGISLATIVE BILL 139A. Placed on Select File.
LEGISLATIVE BILL 305. Placed on Select File.

LEGISLATIVE BILL 239. Placed on Select File as amended.
E & R amendments to LB 239:

1. Renumber the new section added by the Kahle amendments, number 1, as section 6.

2. Strike standing committee amendment number 3 and Kahle amendment number 2.

3. Renumber original section 6 as section 5.

LEGISLATIVE BILL 410. Placed on Select File as amended.
E & R amendments to LB 410:

1. In committee amendments, page 2, line 27, strike "hereinafter provided" and insert "provided in this section".

2. In the title, line 2, strike "sections 48-633 and 48-635" and insert "section 48-633"; and in line 7 strike "sections" and insert "section".

LEGISLATIVE BILL 278. Placed on Select File as amended. E & R amendments to LB 278:

1. Number the new section added by the Beutler amendment as section 2 and renumber original section 2 as section 3.

2. In the Beutler amendment, "this section" has been stricken and "subsection (7) of section 77-2704" inserted; underscoring has been supplied; and figures have been changed to words.

3. On page 2, line 2, strike "1980" and insert "1981".

4. Pursuant to the amendment of section 77-2704 by Laws 1980, LB 3, section 1, on page 8, line 14 "and" has been stricken, in line 26, the period has been stricken and "; and" inserted, and after line 26

"(t) Manufacturing and processing equipment purchased on or after September 1, 1981, for use directly in manufacturing or processing operations, initially installed in a manufacturing facility of new construction begun on or after July 1, 1981. For purposes of this subdivision, the term new construction shall include: ~~(1)~~ (i) A new facility or the physical expansion of an existing facility or ~~(2)~~ (ii) installation to achieve product diversification." inserted; and on page 10, line 1, a comma has been inserted after "77-2703".

5. On page 11, line 14, and in the title, line 3, strike "1980" and insert "1981".

LEGISLATIVE BILL 126. Placed on Select File as amended. E & R amendments to LB 126:

1. In the committee amendments on page 2, line 19, after the second comma insert "and".

2. In the committee amendments on page 3, line 7, after "control" insert an underscored comma.

3. In committee amendments on page 5, line 3, insert "the" after the first "of".

4. In the title, strike lines 2 to 4 and insert: "FOR AN ACT to amend sections 28-509 and 28-510, Reissue Revised Statutes of Nebraska, 1943,".

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 139

1. The spelling of "adherence" has been corrected on page 2, line 3.

2. On page 10, line 8, and page 11, line 27, strike "by-laws" and insert "bylaws".

3. On page 10, line 10, and page 13, line 6, strike the comma.

4. On page 14, line 15, strike "must" and insert "shall".

Enrollment and Review Changes to LB 139A

1. In the Marsh amendment, line 2, capitalization has been removed from "six"; in line 5 a comma has been inserted after "1983"; in lines 7 and 8 dollar amounts have been changed to words; and in line 7 a comma has been inserted after "1982".

(Signed) Emory P. Burnett
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 375. Considered.

Mr. Beutler offered the following amendment to Section 1:

(1)

Amend Req. #2505 to LB 375 (Sec. 1) by striking the sentence beginning in line 14 and ending in line 19 of page 1.

The amendment lost with 5 ayes, 21 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to Section 1:

(2)

Amend Req. #2505 to LB 375 (Sec. 1) to add the following language after the word insufficient in line 19 of page 1:

" , or may become insufficient in the reasonably forseeable future,".

The amendment lost with 10 ayes, 20 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to Section 1:

(3)

Amend Req. #2505 to LB 375 (Sec. 1) by adding after the life in line 21, page 1 the words "indefinitely, in the case of rechanging aquifers or; in the case of non-rechanging aquifers,"

The amendment lost with 9 ayes, 19 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Vickers offered the following amendment to Section 2:

(1)

Page 5, (Sec. 2) strike lines 2 through 6 and insert: "Groundwater reservoir safe yield goal shall mean the amount of groundwater, as determined by each district, which may be withdrawn indefinitely from the groundwater reservoir and which, over the long term shall not exceed the amount of natural rechage to the reservoir and any artificial replenishment of the reservoir through supply augmentation programs:"

The amendment lost with 11 ayes, 21 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Vickers offered the following amendment to Section 2:

(2)

1. Page 5, (Sec. 2) strike lines 9 through 13.

Mr. Barrett, Mesdames Marsh, and Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 12:

Apking
Beutler
Burrows
Hoagland
Johnson, V.
Koch
Landis
Newell
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Beyer
Chronister
DeCamp
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Wagner

Present and not voting, 12:

Chambers
Clark
Cope
Cullan
Fowler
Goll
Higgins
Kilgarin
Marvel
Pirsch
Rumery
Von Minden

Excused and not voting, 4:

Barrett
Carsten
Labedz
Marsh

The amendment lost with 12 ayes, 21 nays, 12 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 915. By Hoagland, 6th District.
This bill introduced on behalf of: the businesses of the State of Nebraska.

A BILL FOR AN ACT to amend section 46-613, Reissue Revised Statutes of Nebraska, 1943, and section 46-660, Revised Statutes Supplement, 1980, relating to ground water; to change provisions relating to preference in use; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 916. By Warner, 25th District; Koch, 12th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-1503.01, 2-1577, 2-3264, 43-611, 43-648, 68-703.01, 68-704, 68-1106, 71-1628, 71-5010, 77-27,132, 83-1,143.03, and 84-147, Reissue Revised Statutes of Nebraska, 1943, sections 23-362, 43-646.02, 71-1527, 77-2715.01, 77-27,136, 77-27,137, 77-3523, 77-3525, 79-445, 79-4,160, 79-4,166, 79-2651, and 81-1533, Revised Statutes Supplement, 1980, and sections 19-3909, 60-409, 60-409.02, 77-2704, 77-2715, 77-3612, 77-3613, 79-1103.05, and 79-1333, Revised Statutes Supplement, 1981; to create the Sales Tax Fund, the Sales Tax Refund Fund, and the Driver Education Fund; to provide for the transfer of funds; to provide that certain sales and use tax revenue be deposited in the Sales Tax Fund; to change the fund from which certain funds are appropriated; to provide duties; to provide for refunds; to harmonize provisions; to eliminate certain tax credits; to eliminate certain tax exemptions; to provide duties; to provide an operative date; to repeal the original sections, and also sections 77-27,149, 77-27,153, and 77-27,155, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1012 to 66-1018, 77-27,150, 77-27,151, 77-27,152, and 77-27,154, Revised Statutes Supplement, 1980; and to declare an emergency.

LEGISLATIVE BILL 917. By DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to workmen's compensation law; to provide for certain employers to be classified as self-insurers as prescribed.

LEGISLATIVE BILL 918. By Kilgarin, 7th District; DeCamp, 40th District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-150 and 8-206, Reissue Revised Statutes of Nebraska, 1943, and section 81-885.24, Revised Statutes Supplement, 1981; to prohibit real estate transactions by banks and trust companies as prescribed; to provide for an unfair real estate practice; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 919. By Landis, 46th District; V. Johnson, 8th District.
This bill introduced on behalf of: people of Nebraska.

A BILL FOR AN ACT relating to criminal procedure; to create the Nebraska Sentencing Guidelines Commission; to provide powers and duties; and to create a sentencing hearing procedure as prescribed.

LEGISLATIVE BILL 920. By Marsh, 29th District; Wiitala, 31st District; Warner, 25th District; Fowler, 27th District; Kilgarin, 7th District; Nichol, 48th District.
This bill introduced on behalf of: Dental Hygienists.

A BILL FOR AN ACT to amend sections 71-183.01, 71-193.09, and 71-193.13, Reissue Revised Statutes of Nebraska, 1943, relating to professional licenses; to define terms; to change certain provisions relating to the practice of dentistry; to provide dental hygienists with additional duties as prescribed; to provide the Department of Health with additional powers; and to repeal the original sections.

LEGISLATIVE BILL 921. By Chambers, 11th District; V. Johnson, 8th District; Koch, 12th District; Kilgarin, 7th District.
This bill introduced on behalf of: people of Douglas County.

A BILL FOR AN ACT to amend section 23-151, Revised Statutes Supplement, 1980, relating to county government; to provide for district election of county commissioners as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 922. By Labedz, 5th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to civil procedure; to prohibit causes of action based on a claim of wrongful life.

LEGISLATIVE BILL 923. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Fowler, 27th District; L. Johnson, 15th District; Stoney, 4th District; Goodrich, 20th District; Cope, 36th District; Dworak, 22nd District; Marsh, 29th District.
This bill introduced on behalf of: 81-1,102 R.S. Supplement 1980.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Dentistry; to require continuing education for dentists; to provide standards and inspections for certain practitioner's facilities; to define a term; to eliminate a payment; to change provisions relating to examinations as prescribed; to eliminate a provision terminating a board; to amend sections 71-129 and 71-185, Reissue Revised Statutes of Nebraska, 1943, sections 71-133 and 81-197, Revised Statutes Supplement, 1980, and section 71-122.01, Revised Statutes Supplement, 1981; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 924. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Stoney, 4th District; Rumery, 42nd District; Marsh, 29th District; Cope, 36th District; Fowler, 27th District; Goodrich, 20th District; L. Johnson, 15th District; Dworak, 22nd District.
This bill introduced on behalf of: 81-1,102 R.S. Supplement 1980.

A BILL FOR AN ACT relating to public health and welfare; to redefine a term; to eliminate a provision which terminated the Board of Examiners in Chiropractic; to amend section 71-177, Reissue Revised Statutes of Nebraska, 1943, and section 81-197, Revised Statutes Supplement, 1980; and to repeal the original sections.

LEGISLATIVE BILL 925. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Stoney, 4th District; Rumery, 42nd District; Marsh, 29th District; Cope, 36th District; Fowler, 27th District; Dworak, 22nd District; Goodrich, 20th District; L. Johnson, 15th District.
This bill introduced on behalf of: 81-1,102 R.S. Supplement 1980.

A BILL FOR AN ACT relating to public health and welfare; to change provisions relating to the Board of Examiners in Pharmacy; to change provisions relating to examinations; to provide procedures and requirements for the licensing of certain inactive pharmacists; to provide for continuing education of pharmacists; to require inspections of pharmacies; to define a term; to permit hospital pharmacy technicians to perform certain functions; to provide duties for the Department of Health; to eliminate a provision which terminates the Board of Examiners in Pharmacy; to amend sections 71-130, 71-140, 71-1,145, 71-1,147, and 71-1,147.08, Reissue Revised Statutes of Nebraska, 1943, sections 71-113, 71-131, 71-5402, and 81-197, Revised Statutes Supplement, 1980, and section 71-116, Revised Statutes Supplement, 1981; to repeal the original sections, and also section 71-1,145.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 926. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; Marsh, 29thDistrict; Cope, 36th District; Fowler, 27th District; Dworak, 22nd District; Goodrich, 20th District; L. Johnson, 15th District.
This bill introduced on behalf of: 81-1,102 R.S. Supplement 1980.

A BILL FOR AN ACT relating to public health and welfare; to provide a statement of purpose for the Board of Nursing; to change provisions relating to examinations; to provide for biennial license renewal; to change provisions relating to licensing and certification; to change certain fees; to eliminate a provision which terminates the Board of Nursing; to amend sections 71-1,132.14, 71-1,132.20, 71-1,132.29, and 81-197, Revised Statutes Supplement, 1980, and sections 71-1,132.49 and 71-1724, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 71-1,132.44 to 71-1,132.46, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1,132.30 to 71-1,132.34, Revised Statutes Supplement, 1980.

LEGISLATIVE BILL 927. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; Cope, 36th District; Fowler, 27th District; Goodrich, 20th District; L. Johnson, 15th District; Dworak, 22nd District; Marsh, 29th District.
This bill introduced on behalf of: 81-1,102 R.S. Supp., 1980.

A BILL FOR AN ACT relating to public health and welfare; to change the name of the State Board of Examiners of Psychologists; to change provisions relating to such board; to redefine terms; to state intent; to provide findings; to provide procedures for handling complaints; to provide for defining conflicts of interest; to provide duties for the Director of Health; to provide for biennial license renewal; to change membership on certain examining boards; to change provisions relating to examinations; to change provisions relating to certain licenses; to harmonize provisions; to change fees; to change provisions relating to clinical psychologists; to eliminate a provision which terminated the State Board of Examiners of Psychologists; to amend sections 71-101, 71-140, 71-149, 71-155, 71-161.09, 71-3802, 71-3810, 71-3811, 71-3825, and 71-3827, Reissue Revised Statutes of Nebraska, 1943, sections 71-102, 71-109, 71-110, 71-113, 71-114, 71-131, 71-133, 71-139.01, 71-3801, 71-3806 to 71-3808, 71-3813, 71-3814, 71-3817 to 71-3819, 71-3828, 71-3829, 71-3832 to 71-3836, and 81-197, Revised Statutes Supplement, 1980, and sections 71-112, 71-116, 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 71-3804, 71-3805, and 71-3831, Reissue Revised Statutes of Nebraska, 1943, sections 71-3803, 71-3812, 71-3816, and 71-3820 to 71-3824, Revised Statutes Supplement, 1980, and section 71-3809, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 928. By Appropriations Committee: Warner, 25th District, Chairperson; Stoney, 4th District; Marsh, 29th District; Rumery, 42nd District; L. Johnson, 15th District; Cope, 36th District; Dworak, 22nd District; Goodrich, 20th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to fees; to amend sections 2-1017, 2-1019, 2-2603, 21-303, 21-1982, 21-2013, 21-2216, 25-530, 25-1580, 28-1232, 28-1246, 28-1251, 29-812, 29-2824, 29-3302, 33-101, 33-102, 33-103, 33-125, 33-126, 33-126.02 to 33-126.06, 39-669.35, 48-418.09, 48-503, 49-1482, 54-1904, 60-115, 60-311.12, 60-409.10, 66-450, 66-517, 66-607, 69-1204, 69-1206, 71-1902, 71-2020, 71-3205, 71-3209, 75-128, 75-150, 75-305, 75-327, 75-328, 75-354, 77-2621, 77-2705, 77-2706, 77-3002, 77-3003, 77-3103, 79-4,147.02, 87-114, 87-115, and 87-210, Reissue Revised Statutes of Nebraska, 1943, sections 9-143, 18-1740, 24-524, 48-712, 48-714, 53-131, 60-326.01, 77-2612, 77-3004, 79-2846, 81-1921, 81-1922, and 81-1924, Revised Statutes Supplement, 1980, sections 33-123, 33-124, 33-150, 60-407, 66-410.03, 88-401, and 88-503, Revised Statutes Supplement, 1981, and sections 9-403 to 9-406, and 9-408, Uniform Commercial Code; to change provisions relating to certain fees as prescribed; to increase certain fees; to provide for additional fees; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 929. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Stoney, 4th District; L. Johnson, 15th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 79-2644, Revised Statutes Supplement, 1980, relating to technical community colleges; to change certain provisions relating to the duties of the governing boards as prescribed; and to repeal the original section.

LEGISLATIVE BILL 930. By Appropriations Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Stoney, 4th District; L. Johnson, 15th District; Rumery, 42nd District; Dworak, 22nd District; Cope, 36th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 77-3506, Revised Statutes Supplement, 1980, relating to taxation; to change certain provisions relating to homestead exemptions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 931. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Marsh, 29th District; Stoney, 4th District; L. Johnson, 15th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District; Dworak, 22nd District; Fowler, 27th District.
This bill introduced on behalf of: Appropriations Committee.

A BILL FOR AN ACT relating to state government; to define terms; and to provide for the collection of certain delinquent accounts as prescribed.

LEGISLATIVE BILL 932. By Appropriations Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; L. Johnson, 15th District; Dworak, 22nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to amend section 68-1019, Reissue Revised Statutes of Nebraska, 1943, relating to public assistance; to change provisions relating to medical assistance as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 933. By Appropriations Committee: Warner, 25th District, Chairperson; Stoney, 4th District; Cope, 36th District;

Rumery, 42nd District; Marsh, 29th District; L. Johnson, 15th District; Dworak, 22nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to state services and aid; to delete certain payments; to delete certain programs; to abolish certain public bodies; to change requirements for certain entities; to change duties; to harmonize provisions; to transfer duties; to amend sections 54-715, 54-726, 54-726.02, 54-1332, 54-1505, and 79-4,123, Reissue Revised Statutes of Nebraska, 1943, sections 46-277, 71-5615 to 71-5617, 71-5619, 71-5620, 71-5625 to 71-5627, 71-5631, 71-5633, 71-5635, 71-5639 to 71-5642, 71-5643.01, 71-5644, 71-5645, and 89-187, Revised Statutes Supplement, 1980, and sections 79-1103.05 and 79-1247.05, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 2-2801 to 2-2812, 54-726.01, 54-748, 54-749, 54-1502, 54-1504, 54-1506, 54-1507, and 54-1507.01, Reissue Revised Statutes of Nebraska, 1943, sections 23-362.03, 43-654, 43-654.01 to 43-654.03, 43-655.01, 71-5601 to 71-5605, and 71-5607 to 71-5612, Revised Statutes Supplement, 1980, and sections 43-656, 43-657, and 71-5606, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 934. By Performance Review and Audit Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; Goodrich, 20th District, Dworak, 22nd District.
This bill introduced on behalf of: Appropriations Committee.

A BILL FOR AN ACT relating to miscellaneous state bodies; to eliminate certain advisory bodies; to harmonize provisions; to amend sections 2-127, 39-891, 39-895, 39-1313, 39-1327, 39-1390, 48-611, 71-2024, 71-3504, 71-4903, 71-5102, 71-5106, 71-5109, 71-5110, 71-5113, 71-5121, 71-5301, 71-5310, 77-1342, 81-1108.35, 81-1108.44, 81-1403, and 81-1404, Reissue Revised Statutes of Nebraska, 1943, sections 23-1212, 23-1216, 23-1217, 23-1218, 71-2042, 71-3503, 71-3505, 81-1227, 81-1361, 81-1368, 83-159, 83-164, and 85-1002, Revised Statutes Supplement, 1980, and sections 39-1309, 39-2202, 71-4609, 81-1108.17, 81-1108.36, 81-1401, 83-163, and 83-1,141, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 2-1504.02, 2-1570, 39-1101 to 39-1105, 39-1107, 39-1109, 39-1110, 68-702.02, 68-702.03, 71-1402, 71-1403, 71-2025, 71-2031 to 71-2040, 71-5115 to 71-5117, 71-5311, 72-1120, 72-1122, 81-8,274, 81-8,273, 81-8,275, 81-1108.38, 81-1406 to 81-1408, and 83-101.07, Reissue Revised Statutes of Nebraska, 1943, sections 2-3268, 23-1213 to 23-1215, 39-1111, 68-1301 to 68-1304, 68-1306, 71-5020, 71-5024, 71-5025, 77-3,101 to 77-3,105, 77-3,107, 77-3,108, 81-1239, 81-1240, 81-1242, 81-1243, 81-1363 to 81-1366, 83-161.01, 85-1008 to 85-1010, 85-1012, and 85-1013, Revised Statutes Supplement, 1980, and sections 2-3285 to 2-3287, 39-1106, 39-1108, 48-610, 68-702.01, 68-1305, 71-1401, 71-1565, 71-2005, 71-3506, 71-4902, 71-5008, 71-5026, 71-5118, 72-1121, 77-3,106, 81-8,272, 81-1108.32, 81-1120.18, 81-1241, 81-1409, 83-101.06, 83-211.02, and 85-1011, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 935. By Appropriations Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; Cope, 36th District; L. Johnson, 15th District; Goodrich, 20th District; Dworak, 22nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to miscellaneous state bodies; to eliminate the payment of per diems to members of certain bodies; to standardize terms of membership and times of appointments; to amend sections 2-3306, 2-3405, 12-101, 24-803, 29-2916, 53-106, 54-136, 54-1160, 60-1402, 68-1101, 71-2602, 72-724, 72-729, 72-1237, 80-401.07, 81-801, 81-8,161, 81-8,255, 81-8,263, 81-1214, 81-1417, 81-1418, 83-190, 85-301, and 85-902, Reissue Revised Statutes of Nebraska, 1943, sections 2-3617, 48-804, 49-14,111, 51-401, 71-4721, 71-5603, 71-5861, 74-1413, 76-1608, 81-502.01, 81-573, 81-1610, and 81-1803, Revised Statutes Supplement, 1980, and sections 1-110, 2-1201, 2-1505, 2-1803, 2-2305, 2-3619, 2-4006, 2-4117, 3-104, 24-716, 39-2106, 39-2202, 44-3005, 48-1116, 49-14,120, 57-904, 66-468, 66-470, 70-1003, 71-122, 71-1,132.12, 71-1,156, 71-222, 71-317, 71-2045.06, 71-2605, 71-2703, 71-3706, 71-4715, 71-5864, 72-201, 72-224.03, 72-720, 72-1239, 76-513, 79-426.03, 79-1281, 79-2102, 81-804, 81-8,163, 81-8,267, 81-1218, 81-1318, 81-1503, 81-1805, 82-310, 83-4,124, and 84-1501, Revised Statutes Supplement, 1981; and to repeal the original sections.

LEGISLATIVE BILL 936. By Fenger, 45th District; R. Peterson, 21st District; Apking, 32nd District; Remmers, 1st District; DeCamp, 40th District; Von Minden, 17th District; Cope, 36th District; Duda, 14th District; L. Johnson, 15th District; Beyer, 3rd District; H. Peterson, 35th District; Carsten, 2nd District; Nichol, 48th District.
This bill introduced on behalf of: first class cities of Nebraska.

A BILL FOR AN ACT relating to cities of the first class; to provide a retirement system for police officers as prescribed; to define terms; to provide duties; to create a retirement committee and provide for membership thereon; to provide for the applicability of sections; and to provide an exception to budgetary limitations.

LEGISLATIVE BILL 937. By Burrows, 30th District.
This bill introduced on behalf of: railroad workers.

A BILL FOR AN ACT relating to railroads; to require the provision of certain facilities for railroad employees; to provide duties; to amend section 75-401, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 938. By Koch, 12th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT amend section 79-444, Revised Statutes Supplement, 1980, relating to schools; to provide for certain programs for children as prescribed; and to repeal the original section.

LEGISLATIVE BILL 939. By Labedz, 5th District.
This bill introduced on behalf of: SID's.

A BILL FOR AN ACT to amend sections 31-727 and 31-744, Reissue Revised Statutes of Nebraska, 1943, and section 31-740, Revised Statutes Supplement, 1980, relating to sanitary and improvement districts; to change provisions relating to powers of districts and trustees as prescribed; to change provisions relating to authorized improvements as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 940. By Hoagland, 6th District; Marsh, 29th District.
This bill introduced on behalf of: the Nebraska County Attorneys Association.

A BILL FOR AN ACT relating to revenue and taxation; to provide intent; to define terms; and to provide a collection procedure for certain claims owed to the state as prescribed.

LEGISLATIVE BILL 941. By Clark, 47th District.
This bill introduced on behalf of: independent bankers.

A BILL FOR AN ACT relating to loans; to state intent; to harmonize provisions; to amend section 45-114, Revised Statutes Supplement, 1980; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 942. By Appropriations Committee: Warner, 25th District, Chairperson; Rumery, 42nd District; Stoney, 4th District; L. Johnson, 15th District; Cope, 36th District; Marsh, 29th District; Dworak, 22nd District.

This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to state assistance; to create a cash fund; to expand the uses authorized for certain funds; to increase the limitation on certain fares; to change provisions relating to audits; to change provisions relating to asistance for certain persons; to reduce a reimbursement rate; to change reimbursement provisions; to change provisions relating to certain matching funds; to change certain provisions relating to state aid to education; to limit certain payments by the state; to limit crime victim's reparations; to change the duties of the Auditor of Public Accounts; to redefine terms; to amend sections 2-3322, 2-3413, 19-3910, 23-905, 43-611, 43-626, 43-645, 43-648, 71-5009, 79-4,165, and 83-1,143.03, Reissue Revised Statutes of Nebraska, 1943, sections 2-3633, 43-512, 71-5027, 79-445, 79-1336, 81-1822, 84-304, and 84-1301, Revised Statutes Supplement, 1980, and sections 2-2317, 2-4018, 43-607, and 79-1334, Revised Statutes Supplement, 1981; to provide an operative date; to repeal the original sections, and also section 2-103, Revised Statutes Supplement, 1981; and to declare an emergency.

LEGISLATIVE BILL 943. By Burrows, 30th District.
This bill introduced on behalf of: people of the state.

A BILL FOR AN ACT to amend sections 57-703 and 57-705, Revised Statutes Supplement, 1981, relating to oil and gas severance tax; to change tax rates; to change provisions relating to distribution of revenue from such tax; and to repeal the original section.

LEGISLATIVE BILL 944. By Fowler, 27th District.
This bill introduced on behalf of: working people.

A BILL FOR AN ACT to amend section 48-801, Revised Statutes Supplement, 1980, relating to labor; to classify certain acts as unfair labor practices; and to repeal the original section.

LEGISLATIVE BILL 945. By Kremer, 34th District; Schmit, 23rd District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT relating to water resources; to amend section 77-27,132, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980; to create the Nebraska Water Management Board; to create a fund and provide for its administration; to provide for loans and grants; to provide for apportionment of funds; to provide for an additional sales tax; to provide an operative date; and to repeal the original sections, and also sections 2-3263, 2-3264, 2-3266, 2-3267, 2-3269, 2-3270, and 2-3272, Reissue Revised Statutes of Nebraska, 1943, section 2-3268, Revised Statutes Supplement, 1980, and sections 2-3265 and 2-3271, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 946. By Cullan, 49th District; Koch, 12th District.
This bill introduced on behalf of: students in Nebraska.

A BILL FOR AN ACT relating to education; to define terms; to provide for the issuance and guarantee of student loans; to provide for the purchase of guaranteed student loans; to provide for the issuance of bonds; and to provide duties.

LEGISLATIVE BILL 947. By Pirsch, 10th District; Hoagland, 6th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 5, of the Constitution of Nebraska, relating to education; to allow proceeds from certain forfeited property to be divided equally between the school fund and counties for drug enforcement purposes; to provide for the time and manner of submission and form of ballot; to provide the effective date thereof; and to declare an emergency.

LEGISLATIVE BILL 948. By Pirsch, 10th District; Hoagland, 6th District.
This bill introduced on behalf of: people of the State of Nebraska.

A BILL FOR AN ACT to amend section 28-431, Revised Statutes Supplement, 1980, relating to controlled substances; to change provisions relating to forfeiture of certain property; to provide for the allocation of the forfeited property; to create a fund; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 949. By L. Johnson, 15th District.
This bill introduced on behalf of: Nebraskans.

A BILL FOR AN ACT to amend sections 48-221 and 48-223, Reissue Revised Statutes of Nebraska, 1943, relating to employment regulations; to change provisions relating to medical examinations as a condition of employment; and to repeal the original sections.

LEGISLATIVE BILL 950. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to appeals; to provide when motions for a new trail are not necessary; to amend section 25-1912, Revised Statutes Supplement, 1981; and to repeal the original section.

LEGISLATIVE BILL 951. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to trusts and trustees; to provide fiduciaries with certain powers relating to common trust funds and investments as prescribed.

LEGISLATIVE BILL 952. By Newell, 13th District.
This bill introduced on behalf of: Bond Houses.

A BILL FOR AN ACT to amend section 23-343.99, Revised Statutes Supplement, 1980, relating to hospital authorities; to change provisions relating to the issuance of bonds as prescribed; and to repeal the original section.

LEGISLATIVE BILL 953. By DeCamp, 40th District; Schmit, 23rd District; Remmers, 1st District; Sieck, 24th District; Kahle, 37th District; Wagner, 41st District; Lamb, 43rd District; Nichol, 48th District.
This bill introduced on behalf of: Nebraska Feeders and Nebraska Stockgrowers.

A BILL FOR AN ACT relating to livestock; to adopt the Nebraska Beef Industry Development Act; to provide a penalty; to change the powers of the Nebraska Brand Committee; to harmonize provisions; to amend section 54-137.01, Reissue Revised Statutes of Nebraska, 1943; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 954. By Higgins, 9th District; Labedz, 5th District; Haberman, 44th District; Wagner, 41st District; Fenger, 45th District; DeCamp, 40th District; Lamb, 43rd District; Sieck, 24th District; R. Peterson, 21st District; Cullan, 49th District; Schmit, 23rd District; Kahle, 37th District; Kremer, 34th District; Dworak, 22nd District; Hefner, 19th District; Beyer, 3rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to revenue; to amend sections 79-2636, 79-2640, and 79-2643, Reissue Revised Statutes of Nebraska, 1943, sections 79-2637 and 79-2644, Revised Statutes Supplement, 1980; to state intent; to provide for appointment of a State Board of Technical Community Colleges; to provide for funds and budgets of technical community colleges; to require approval of budgets as prescribed; to provide funding for the School Foundation and Equalization Fund; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections, and also sections 79-2649 and 79-2653, Reissue Revised Statutes of Nebraska, 1943, sections 79-2648, 79-2650.03, 79-2650.06, and 79-2651, Revised Statutes Supplement, 1980, and sections 77-3611 to 77-3615, 79-2650, and 79-2650.07, Revised Statutes Supplement, 1981; and to declare an emergency.

LEGISLATIVE BILL 955. By Wagner, 41st District.
This bill introduced on behalf of: Better management of Flood Plain Areas.

A BILL FOR AN ACT relating to the Department of Water Resources; to state intent; to define terms; to provide duties; to provide for flood plain management as prescribed; to provide severability; and to repeal sections 2-1506.01 to 2-1506.10 and 2-1506.12 to 2-1506.27, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 956. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT to amend sections 48-1408, 84-1409, 84-1410, 84-1411, 84-1412, and 84-1414, Reissue Revised Statutes of Nebraska, 1943, relating to public meetings; to provide duties for public bodies conducting public meetings; to provide restrictions and remedies; and to repeal the original sections.

LEGISLATIVE BILL 957. By Hoagland, 6th District.
This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT relating to state unversities and colleges; to provide intent; to create a commission as prescribed; to appropriate funds to aid in conducting a study of the space requirements at the University of Nebraska at Omaha; and to appropriate funds to provide a transportation subsidy to certain students as prescribed.

LEGISLATIVE BILL 958. By Hoagland, 6th District.

This bill introduced on behalf of: the people of the State of Nebraska.

A BILL FOR AN ACT to amend section 46-658, Revised Statutes Supplement, 1981, relating to ground water; to change provisions relating to control areas; to provide for a hearing; to establish standards; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 959. By Goodrich, 20th District.
This bill introduced on behalf of: self.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1981, relating to labor; to change provisions relating to disqualification for unemployment benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 960. By Goodrich, 20th District.
This bill introduced on behalf of: Savings and Loan Industry.

A BILL FOR AN ACT to amend section 77-2341, Reissue Revised Statutes of Nebraska, 1943, relating to investment of funds of political subdivisions; to provide for waiver of rights in the case of prescribed investments; and to repeal the original section.

LEGISLATIVE BILL 961. By Goodrich, 20th District.
This bill introduced on behalf of: state of Nebraska.

A BILL FOR AN ACT to amend section 72-1268, Revised Statutes Supplement, 1980, relating to the Nebraska Investment Council; to require banks and building and loan associations to cash state warrants as prescribed; and to repeal the original section.

LEGISLATIVE BILL 962. By Schmit, 23rd District; Hefner, 19th District; Von Minden, 17th District; Kahle, 37th District.
This bill introduced on behalf of: Nebraska Livestock Feeders.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide intent; to change provisions relating to agister's liens as prescribed; and to repeal the original section.

LEGISLATIVE BILL 963. By Schmit, 23rd District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to state aid to political subdivisions; to amend section 83-380, Reissue Revised Statutes of Nebraska, 1943, and sections 77-3606 to 77-3608, and 77-3610, Revised Statutes

Supplement, 1981; to provide for distribution of certain funds; to eliminate provisions relating to the Political Subdivision Property Tax Relief Fund; to harmonize provisions; to extend a termination date; to eliminate provisions relating to the Governmental Subdivision Fund; and to repeal the original sections, and also sections 77-27,139 and 77-27,140, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,136, 77-27,137, and 77-27,137.01, Revised Statutes Supplement, 1980, and sections 77-3611 to 77-3615, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 964. By Schmit, 23rd District; Kahle, 37th District; Wagner, 41st District.
This bill introduced on behalf of: people.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-3264 and 77-27,132, Reissue Revised Statutes of Nebrska, 1943, sections 77-2715.01 and 77-3506, Revised Statutes Supplement, 1980, and sections 77-2602, 77-2616, 77-3606 to 77-3608, and 77-3610, Revised Statutes Supplement, 1981; to provide aid to governmental subdivisions as prescribed; to change a termination date; to create a fund; to provide for distribution; to provide for identification of certain projects; to increase a tax; to delete an exemption for certain homesteads; to change the adjustment increments for sales and income tax rates; to delete a requirement for setting rates; to change funding provisions; and to repeal the original sections, and also sections 77-27,139, 77-27,140, and 77-27,143 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,136, 77-27,137, 77-27,137.01, and 77-27,142.01 to 77-27,142.05, Revised Statutes Supplement, 1980, and sections 77-27,142 and 77-3611 to 77-3615, Revised Statutes Supplement, 1981.

LEGISLATIVE BILL 965. By V. Johnson, 8th District.
This bill introduced on behalf of: Douglas County.

A BILL FOR AN ACT to amend section 29-1002, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for the maintenance of certain detained persons as prescribed; and to repeal the original section.

LEGISLATIVE BILL 966. By Appropriations Committee: Warner, 25th District, Chairperson; Stoney, 4th District; Cope, 36th District; Rumery, 42nd District; Goodrich, 20th District; L. Johnson, 15th District; Dworak, 22nd District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT relating to fees; to provide for fees; to create funds; to change provisions relating to fees; to harmonize provisions; to amend sections 2-2614, 2-2906, 2-2908, 23-609, 42-123, 42-128, 54-703, 54-820.01, 54-827, 54-1180, 54-1338, 60-412, 71-513, 71-647, 71-1902, 71-2015, 71-2619, 71-4604.01, 71-4624, 71-5306, 81-2,174, 81-528, 81-8,260.01, 81-8,271, 81-1403, and 83-376, Reissue Revised Statutes of Nebraska, 1943, sections 2-3906, 23-1218, 54-1708, 66-303, 71-502, 71-604.01, 71-2618, 71-2622, 71-3102, 71-4305, 71-4732, 71-5834, 71-5836, 71-5837, 81-2,162.06, 81-2,171, 81-2,177.01, 84-1203, 84-1225, 84-1226, and 89-187, Revised Statutes Supplement, 1980, and sections 2-3930, 33-105, 71-1559, 71-2004, 71-4728, 81-216.21, 81-502, 81-1423, and 81-1429, Revised Statutes Supplement, 1981; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 69 in the Journal. No objections. So ordered.

1. Strike the first DeCamp amendment on page 431 of the 1981 Journal.

2. Insert the following new section:

"Sec. 3. Any person licensed to furnish child care pursuant to section 71-1902 when transporting a child under his or her care or custody in a motor vehicle shall use an approved child passenger restraint system or an existing seat safety belt for each child. Any person failing to use an approved child passenger restraint system or seat safety belt pursuant to this section shall be guilty of an infraction pursuant to section 2 of this act and shall have his or her license to furnish child care revoked or suspended by the Department of Public Welfare.".

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 778	Monday, February 1, 1982 (cancel)	1:30 p.m.
LB 779	Monday, February 1, 1982 (cancel)	1:30 p.m.
LB 778	Monday, January 25, 1982 (reset)	1:30 p.m.
LB 779	Monday, January 25, 1982 (reset)	1:30 p.m.

(Signed) John DeCamp, Chairperson

MOTION - Withdraw LB 865

Mr. Goodrich moved to withdraw LB 865.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Kahle asked unanimous consent to have his name added as co-introducer to LB 846. No objections. So ordered.

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LB 846. No objections. So ordered.

ANNOUNCEMENT

Speaker Marvel announced LB 378 be set on Special Order January 25, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendments to LB 375 in the Journal. No objections. So ordered.

Req. 2505 Sec. 1
Page 2, line 13, strike "life" and insert "safe yield".

Req. 2505 Sec. 3
Page 6, line 20, strike "life" and insert "safe yield": line 24, strike "life" and insert "safe yield".

Req. 2505 Sec. 10
Page 10, line 2, strike "life" and insert "safe yield".

Req. 2505 Sec. 11
Page 10, line 9, strike the semicolon and insert "based upon any formula designed to accommodate the correlative rights of all groundwater users when the groundwater supply is insufficient for all groundwater users."

Req. 2505 Sec. 12
Pages 10 and 11, strike section 12 of the amendments; renumber the remaining sections.

Req. 2505 Sec. 13

Page 11, line 13, strike "life" and insert safe yield".

Req. 2505 Sec. 15
Page 12, line 5, strike "life" and insert "safe yield".

VISITORS

Visitors to the Chamber were Mr. Frances Masten and Mr. Dale Meritt from Northbend; and Mrs. Ronald Roush, Mrs. John Orlowski, and Mr. and Mrs. Wendell Muhs.

ADJOURNMENT

At 12:16 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Wednesday, January 20, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 20, 1982

LEGISLATIVE JOURNAL

ELEVENTH DAY - JANUARY 20, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 20, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Robert L. Bromley, Minister, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Cullan, Hefner, and V. Johnson who were excused; and Messrs. Chambers, Fenger, Fowler, Goll, Newell, Sieck, Wiitala, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

STANDING COMMITTEE REPORT
Administrative Rules and Regulations Review

LEGISLATIVE BILL 649. Placed on General File.

(Signed) Vard R. Johnson, Chairperson

MESSAGES FROM THE GOVERNOR

January 19, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

C. Mickey Skinner, 12305 Douglas Street, Omaha 68154, a member of the Game and Parks Commission, for a term extending to January 15, 1987, succeeding Robert Cunningham, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: C. Mickey Skinner
Accountability and Disclosure Commission
Game and Parks Commission

January 19, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

In compliance with LB 541, which became effective August 29, 1981, I am submitting to you the following appointment requiring legislative confirmation:

Colonel Elmer J. Kohmetscher, P.O. Box 94907, Lincoln 68509, Superintendent, Nebraska State Patrol, for a term as prescribed by law.

Colonel Kohmetscher has served with distinction as Superintendent of the Patrol.

His appointment is respectfully submitted for consideration by the honorable members of the Legislature.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

cc: Col. Kohmetscher
Accountability and Disclosure Commission
Nebraska State Patrol

January 19, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Don Stenberg, 6107 So. 25th Street, Lincoln 68512, Director of the Department of Administrative Services, for a term as prescribed by law, succeeding Brent Stevenson, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Don Stenberg
Accountability and Disclosure Commission
Department of Administrative Services

MESSAGE FROM THE SECRETARY OF STATE

January 19, 1982

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol
Lincoln, NE 68509

Dear Clerk:

The office of Secretary of State has received a request to have Legislative Bill Number 376 returned to the Legislature.

I have been advised by the Attorney General in a letter dated January 18, and made a part hereof, that it would be proper for me, as

Secretary of State, to return Legislative Bill 376 to the Clerk of the Legislature. Following the advice and suggestion of the Attorney General I herewith transmit Legislative Bill 376 in its engrossed version and with attachments to the Legislature through its Clerk.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachments: L.B. 376
Several

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 199, LR 206, and LR 207.

GENERAL FILE

LEGISLATIVE BILL 375. The pending amendment, Req. #2505, referred to in the Journal on page 232 and printed separate from the Journal and on file in the Clerk's Office, was considered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment to Req. #2505, Sec. 1 found in the Journal on page 370. No objections. So ordered.

Section 1 was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Section 2 was considered.

Mr. Hoagland offered the following amendment to Section 2:

(1)

Add the language following "adopted" on page 5, line 6 "Such life goal shall be at least 100 years."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 6:

Dworak
Fowler
Hoagland
Landis
Stoney
Vickers

Voting in the negative, 27:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Johnson, L.
Kahle
Koch
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 7:

Apking
Beutler
Chambers
Goodrich
Kilgarin
Marsh
Wesely

Excused and not voting, 9:

Carsten
Cullan
Hefner
Higgins
Johnson, V.
Labedz
Newell
Sieck
Wiitala

The amendment lost with 6 ayes, 27 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Hoagland offered the following amendment to Section 2:

(2)

Add the language following the word "adopted" in page 5 line 6 "Such life goal shall be at least 30 years".

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 14 nays, and 28 not voting.

Mr. Hoagland requested a record vote on his amendment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. DeCamp requested a roll call vote on the Hoagland amendment.

Voting in the affirmative, 9:

Beutler
Chambers
Dworak
Fowler
Hoagland
Landis
Marsh
Vickers
Wesely

Voting in the negative, 31:

Apking
Barrett
Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Present and not voting, 2:

Kilgarin
Wiitala

Excused and not voting, 7:

Carsten
Cullan
Hefner
Higgins
Johnson, V.
Newell
Nichol

The Hoagland amendment lost with 9 ayes, 31 nays, 2 present and not voting, and 7 excused and not voting.

Section 2 was adopted with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 699	Wednesday, January 27, 1982	1:30 p.m.
LB 758	Wednesday, January 27, 1982	1:30 p.m.

(Signed) Jerome Warner, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 19, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Crosby, Guenzel, Davis, Kessner & Kuester:
  Davis, Donn E. - Lincoln, (withdrawn 12-31-81), The Tobacco Institute, Inc.
Greenfield, Jerry - Lincoln, (withdrawn 1-5-82), Lincoln Firefighters Association - Local #644
Gruhn, Jim - Omaha, (withdrawn 1-5-82), Omaha Association of Firefighters - Local #385
Knudsen, Berkheimer, Richardson & Endacott:
  Ruth, Larry L. - Lincoln (withdrawn 1-14-82), National Motor Club
Koch, Cara E. - Omaha, Nebraska Coalition for Women
Kronberg, Wendell - Ralston, Great Plains Chapter, Paralyzed Veterans of America, Inc.
Levy, Michael T. - Omaha, Ladies Center, Nebraska P.C.
Pollard, Ken - Omaha, (withdrawn 1-5-82), Nebraska State Association of Firefighters
Prabulos, William - Lincoln, (withdrawn 1-5-82), Lincoln Firefighters Association - Local #644
Staberg, Dean - Lincoln, (withdrawn 1-5-82), Lincoln Firefighters Assocation - Local #644
Wruck, George T. - Omaha, Associated Credit Bureaus of Nebraska, Inc. (withdrawn 1-13-82); Nebraska Collectors Associations, Inc. (withdrawn 1-13-82); Omaha Federation of Advertising (withdrawn 1-13-82)
Zabel, Judy - Western, Concerned Women for America

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 571. Placed on General File.

(Signed) William E. Nichol, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 569 Wednesday, February 3, 1982 (cancel) 1:30 p.m.

(Signed) William E. Nichol, Chairperson

GENERAL FILE

LEGISLATIVE BILL 375. Section 3 of Req. #2505 was considered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment to Req. #2505 Section 3 found in the Journal on page 370. No objections. So ordered.

Mr. Hoagland offered the following amendment to Section 3:

(1)

Add the following subsection:
The adequacy of the ground water management plan provided for under this act shall not be subject to challenge in the courts on the grounds of insufficiency or any other grounds.

MR. CLARK PRESIDING

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 6:

Dworak
Hoagland
Landis
Marsh
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Burrows
Cope
DeCamp
Fenger
Goll
Haberman
Johnson, L.
Kahle
Koch
Kremer
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 14:

Apking
Beutler
Chambers
Chronister
Clark
Duda
Fowler
Goodrich
Kilgarin
Labedz
Remmers
Rumery
Sieck
Vickers

Excused and not voting, 7:

Carsten
Cullan
Hefner
Higgins
Johnson, V.
Newell
Nichol

The amendment lost with 6 ayes, 22 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Hoagland offered the following amendment to Section 3:

(2)

Add the following subsections:

In any suit instigated concerning the adequacy of a ground water management plan, no court shall award attorney fees or costs to be paid by a Natural Resource District or by any state agency, any other provision of law to the contrary notwithstanding.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 10:

Barrett
Dworak
Hoagland
Koch
Landis
Marsh
Rumery
Warner
Wesely
Wiitala

Voting in the negative, 23:

Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Haberman
Johnson, L.
Kahle
Kremer
Labedz
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Von Minden
Wagner

Present and not voting, 10:

Apking
Beutler
Chambers
Goodrich
Kilgarin
Lamb
Peterson, R.
Sieck
Stoney
Vickers

Excused and not voting, 6:

Carsten
Cullan
Hefner
Higgins
Johnson, V.
Newell

The amendment lost with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendments found in the Journal on page 370 and 371 to Req. #2505 Sec. 10, Sec. 11, Sec. 12, and Sec. 13. No objections. So ordered.

Sections 3 through 13 were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Section 14 was considered.

Messrs. Vickers, Schmit, Kremer, and Beutler offered the following amendment to Section 14:

1. Page 11, line 23, (Sec. 14) strike "in addition to" and insert "more restrictive than"; line 23, strike the comma and insert a period; line 24, strike beginning with "but" through "wells" in line 25.

The amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, Req. #2505 Sec. 15, found in the Journal on page 371. No objections. So ordered.

Sections 14 through 23 were adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 29 ayes, 4 nays, 10 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 868	Wednesday, January 27, 1982	1:30 p.m.

(Signed) Dave Landis, Chairperson

Business and Labor

LB 843	Wednesday, January 27, 1982	1:30 p.m.
LB 610	Wednesday, February 10, 1982	1:30 p.m.
LB 864	Wednesday, February 10, 1982	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Public Works

LB 608	Thursday, January 28, 1982 (cancel)	1:30 p.m.
LB 851	Thursday, January 28, 1982	1:30 p.m.

(Signed) Maurice Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 347 in the Journal. No objections. So ordered.

Req. #2546

1. Insert the following new section:

"Sec. 12. That section 28-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-907. (1) A person commits the offense of false reporting if he or she:

(a) Furnishes information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter; or

(b) Furnishes information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property; ~~or~~

(c) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department; or

~~(c)~~ (d) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person.

(2) False reporting is a Class I misdemeanor.".

2. On page 12, line 14, strike "and"; and in line 15 after "28-708," insert "and 28-908,".

3. Renumber remaining sections accordingly.

4. Strike E and R amendment 3 and committee amendment 4.

5. In the title, line 4, strike "and", and after "28-708," insert "and 28-907,".

Mr. Sieck asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

Req. #2537

1. On page 15, strike beginning with "Whenever" in line 4 through "surveyor" in line 8, show the old matter as stricken, and insert "When the county shall receive an official copy of a survey from a registered land surveyor or from the survey record repository established pursuant to section 14 of this act, such copy"; in lines 9 through 14 reinstate the stricken matter and strike the new matter; in line 12 after "placed" insert "on file"; and in line 25 after the period insert "Surveys which are within the corporate

limits of a city with a population in excess of fifteen thousand and do not reference, recover, retrace, or reestablish the original government corners or lines or do not create a new subdivision are not required to be filed in the survey record repository but shall be filed in the county surveyor's office in the county where the land is located if they meet applicable regulations.”; beginning with line 25 reinstate the stricken matter through “shall be” in line 27.

2. On page 16 line 1 after “~~clerk.~~” insert “filed in the survey record repository.”; in line 4 strike the new matter and insert after “~~surveyor~~” “office in which it is required to be filed”; in line 10, after “plat” insert “or record”; in line 16 after the period insert “Plats or maps which are prepared only for the purpose of showing the location of improvements on existing lots, which are not represented as surveys or land surveys and no corners are established or reestablished, shall be specifically exempt from all requirements of this section.”.

3. On page 19, in line 9 after “conducted” insert “. Such copy shall be transmitted to the county within thirty days of its receipt by the repository and at no cost to the county”; in line 10 after “available” insert “from the fees collected pursuant to this section, and at no cost to the counties”; and in line 15 after “survey” insert “of a subdivision or a survey which makes reference to an original government corner and collect a fee not to exceed two dollars and fifty cents for all other surveys”.

4. Insert the following new section:

“Sec. 16. The state surveyor, under the direction of the Board of Educational Lands and Funds, shall receive and account for all money derived from the operation of the survey record repository pursuant to sections 14 and 15 of this act, and shall pay such money to the State Treasurer, who shall keep such money in a separate fund to be known as the Survey Record Repository Fund which is hereby created. When appropriated by the Legislature, this fund shall be expended only for the purposes of sections 14 and 15 of this act. All money in the Survey Record Repository Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12.”.

5. Renumber original section 16 as section 17.

Mr. Sieck asked unanimous consent to print the following amendment to LB 127A in the Journal. No objections. So ordered.

1. On page 2, strike line 2 and insert "ten thousand dollars from the"; and strike the dollar figures in lines 13 and 14 and insert "$93,150" and "99,670" respectively.

2. Insert a new section to read:

"Sec. 2. As money in the Survey Record Repository Fund becomes available therefor, the General Fund shall be reimbursed the amount appropriated therefrom in this act. Reimbursement shall be completed no later than three years of the effective date of this act.".

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 597. Placed on General File as amended.
Standing Committee amendments to LB 597:
Req. #2544

1. Insert the following new section:

"Sec. 3. That section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,150. A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state when stopping on or near any road or highway in the process of delivering mail. A rotating, ~~or~~ flashing, or continuous amber light or lights may be displayed on any vehicle of the Military Department while in the active service of the state as defined in section 55-104, ~~on any state emergency mission,~~ any motor vehicle being operated by any public utility, vehicle service, towing service, or any publicly or privately-owned construction or maintenance vehicle while performing its duties on or near any road, street, or highway, any motor vehicle being operated by any member of the Civil Air Patrol, any pilot vehicle escorting an overdimensional load, or any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (6) of section 39-6,177.".

2. On page 3, line 9, strike "section" and insert "sections" and after "39-6,149" insert "and 39-6,150".

3. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of legislative bills 881 through 966.

LB	Committee
881	Urban Affairs
882	Government, Military and Veterans Affairs
883	Public Health and Welfare
884	Public Health and Welfare
885	Public Works
886	Business and Labor
887	Urban Affairs
888	Miscellaneous Subjects
889	Public Works
890	Revenue
891	Education
892	Education
893	Agriculture and Environment
894	Banking, Commerce and Insurance
895	Education
896	Education
897	Agriculture and Environment
898	Revenue
899	Urban Affairs
900	Miscellaneous Subjects
901	Judiciary
902	Nebraska Retirement Systems
903	Revenue
904	Urban Affairs
905	Constitutional Revision and Recreation
906	Public Health and Welfare
907	Banking, Commerce and Insurance
908	Urban Affairs
909	Urban Affairs
910	Judiciary
911	Judiciary
912	Appropriations
913	Judiciary
914	Revenue
915	Public Works
916	Revenue
917	Business and Labor
918	Banking, Commerce and Insurance
919	Judiciary

920	Public Health and Welfare
921	Government, Military and Veterans Affairs
922	Judiciary
923	Public Health and Welfare
924	Public Health and Welfare
925	Public Health and Welfare
926	Public Health and Welfare
927	Public Health and Welfare
928	Appropriations
929	Education
930	Revenue
931	Appropriations
932	Public Health and Welfare
933	Appropriations
934	Appropriations
935	Appropriations
936	Nebraska Retirement Systems
937	Business and Labor
938	Education
939	Urban Affairs
940	Revenue
941	Banking, Commerce and Insurance
942	Appropriations
943	Revenue
944	Business and Labor
945	Public Works
946	Education
947	Constitutional Revision and Recreation
948	Judiciary
949	Business and Labor
950	Judiciary
951	Banking, Commerce and Insurance
952	Banking, Commerce and Insurance
953	Agriculture and Environment
954	Revenue
955	Public Works
956	Government, Military and Veterans Affairs
957	Appropriations
958	Public Works
959	Business and Labor
960	Revenue
961	Banking, Commerce and Insurance
962	Agriculture and Environment
963	Revenue
964	Revenue

965	Judiciary
966	Appropriations

The Legislative Council Executive Board hereby submits the attached Reference Report No. 2, Governor's Appointments, which was approved by the Board on January 20, 1982.

Governor's Appointments - Reference

Miscellaneous Subjects
Fred Gottschalk
Accountability and Disclosure Commission

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Koch asked unanimous consent to have his name added as co-introducer to LB 788. No objections. So ordered.

Mr. Fenger asked unanimous consent to have his name added as co-introducer to LB 714. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 766	Thursday, February 4, 1982	1:30 p.m.
LB 769	Thursday, February 4, 1982	1:30 p.m.
LR 198	Friday, February 5, 1982	1:30 p.m.
LB 773	Thursday, February 11, 1982	1:30 p.m.
LB 798	Thursday, February 11, 1982	1:30 p.m.
LB 680	Thursday, February 18, 1982	1:30 p.m.
LB 627	Thursday, February 18, 1982	1:30 p.m.
LB 671	Thursday, February 18, 1982	1:30 p.m.
LB 577	Friday, February 19, 1982	1:30 p.m.
LB 580	Friday, February 19, 1982	1:30 p.m.

(Signed) Bernice R. Labedz, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 448. Placed on Select File as amended.
E & R amendments to LB 448:

Because of a difference in pagination as the bill introduced and the printed bill, amendments are in the Green Copy.

1. In lieu of the Warner amendment, reinstate original section 8 as section 6.
2. On page 3, line 19, strike "1980" and insert "1981"; in line 23, strike "osteopathy and"; and in line 27 insert "and osteopathy" after "surgery".
3. On page 6, line 14, strike "osteopathy,"; and in line 17, strike "and" and after the third comma insert "and osteopathy,".
4. Strike standing committee amendment number 4.
5. Because of the transfer of authority from the State Board of Health to the Department of Health (Laws 1981, LB 249), strike original section 9 and renumber original sections 10 to 12 as 7 to 9.
6. On page 11, line 26, strike "1980" and insert "1981".
7. On page 12, line 8, insert "and" at the end of line 8; in line 10, strike "; and" and insert a period; strike lines 11 and 12; in lines 13 and 15 strike "sections" and insert "section"; in lines 13 and 14, strike "and 71-2610," and insert a comma; in line 14, strike "and"; in line 15, strike "71-162, and 81-196,"; and after the second comma in line 16, insert "and sections 71-162 and 81-196, Revised Statutes Supplement, 1981,".
8. In the title, line 3, strike "sections" and insert "section" and strike "and 71-2610"; in line 4, strike "and sections" and insert "section"; in line 5, strike "71-162, and 81-196,"; in line 6, insert ", and sections 71-162 and 81-196, Revised Statutes Supplement, 1981" after "1980"; and strike beginning with the second "to" in line 10 through the semicolon in line 13.
9. On page 6, line 5 insert "and osteopathy" after "surgery".

LEGISLATIVE BILL 449. Placed on Select File as amended.
E & R amendments to LB 449:

Because of a difference in pagination as the bill introduced and the printed bill, amendments are to the Green Copy.

1. On page 3, line 19, strike "1980" and insert "1981"; in line 23, strike "osteopathy and"; and in line 27 insert "and osteopathy" after "surgery".
2. On page 6, line 5, after "surgery" insert "and osteopathy", in line 18 strike "osteopathy,"; and in line 21, strike "and" and after "surgery" insert ", and osteopathy".

3. Because of the transfer of authority from the State Board of Health to the Department of Health, strike original section 10 and renumber original sections 11 to 13 as 8 to 10.

4. On page 11, line 27, strike "1980" and insert "1981".

5. On page 12, line 8, insert "and"; at the end of line 10 strike "; and" and insert a period; strike lines 11 and 12; in line 13 strike "sections" and insert "section"; in line 14 strike "and 71-2610"; in line 15 strike "sections" and insert "section" and strike "71-162, and 81-196,"; and in line 16 insert "and sections 71-162 and 81-196, Revised Statutes Supplement, 1981," after the second comma.

6. In the title, lines 2 and 3, strike "sections 71-1,136.01," and insert "section"; in line 3 strike "and 71-2610,"; in line 5 strike "sections" and insert "section" and strike "71-162, and 81-196,"; in line 6 insert ", and sections 71-162 and 81-196, Revised Statutes Supplement, 1981" after "1980"; and strike beginning with the second "to" in line 10 through line 11.

LEGISLATIVE BILL 450. Placed on Select File as amended.

E & R amendments to LB 450:

Because of a difference in pagination as the bill introduced and the printed bill, amendments are to the Green Copy.

1. On page 3, line 19, strike "1980" and insert "1981"; in line 23, strike "osteopathy and"; in line 27, insert "and osteopathy" after "surgery".

2. On page 6, line 10, insert "and osteopathy" after "surgery"; in line 19, strike "osteopathy,"; and in line 22, strike "and" and after the fourth comma insert "and osteopathy,".

3. Because of the transfer of authority from the State Board of Health to the Department of Health, strike original section 9.

4. Renumber original section 8 as section 6 and original sections 10 to 12 as 7 to 9.

5. On page 11, line 9, strike "1980" and insert "1981"; and in line 27, strike "; and" and insert ". ~~;~~".

6. On page 12, line 2, strike "~~; and~~" and insert a stricken period; strike lines 3 and 4; in line 7, strike "sections" and insert "section", and strike "71-162, and 81-196,"; and in line 8, insert "and sections 71-162 and 81-196, Revised Statutes Supplement, 1981," after the second comma.

7. In the standing committee amendments, on page 1, line 5, insert a period after the last quotation mark; and strike line 6.

8. In the title, strike beginning with "sections" in line 2 through line 4 and insert "section"; in line 5, strike "71-162, and 81-196," and in line 6 insert ", and sections 71-162 and 81-196, Revised Statutes Supplement, 1981" after "1980".

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendments to LB 263:

1. On page 2, line 2, strike "1980" and insert "1981"; in line 6 strike "osteopathy and"; and in line 10, insert "and osteopathy" after "surgery".
2. On page 4, line 14, after "surgery" insert "and osteopathy"; in line 23, strike "osteopathy,"; in line 26, strike "and" and in line 27, before the comma insert ", and osteopathy".
3. In committee amendments, page 1, line 5, strike "seventy-five" and insert "twenty-five" as in the bill.
4. Strike committee amendment 4.
5. In lieu of the committee amendment thereto, on page 5, line 19, strike "71-317" and insert "71-1,162"; and in line 21, strike "1980" and insert "1981".
6. In the title, line 2, strike "71-317" and insert "71-1,162,"; in line 4 strike "1980" and insert "1981"; in line 7, insert "and change" after "increase"; and in line 8, strike "and a per diem", and insert "to delete a restriction or license renewal;" after the semicolon.

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendments to LB 212:

1. On page 2, line 7, strike the second comma; and in line 15, strike the third "the".
2. In committee amendments, page 1, line 9, strike "board" in both places and insert "department".
3. On page 4, line 13, insert "osteopath's" after the second comma.
4. On page 5, line 25, insert "takes place" after "practices".
5. In the title, line 3, strike "State Board" and insert "Department" and in line 5, strike "the board and".

LEGISLATIVE BILL 370. Placed on Select File as amended.
E & R amendments to LB 370:

1. In committee amendments, page 1, line 8, insert "a" after "mean"; and on page 3, line 9, strike "is" and insert "are" and insert "of" after "as"; and in line 17, strike "does" and insert "do".
2. In the title, strike line 2 and through the first comma in line 3 and insert:

"FOR AN ACT to amend sections 79-2803, 79-2804, 79-2812, 79-2820 to 79-2822, 79-2842, and 79-2846,"; in line 4, insert "to define a term;" after the semicolon; and in line 6, insert "to provide the contents of applications; to change agent's provisions; to provide for a blanket bond; to provide a fee;" after the semicolon.

LEGISLATIVE BILL 335. Placed on Select File as amended.

E & R amendment to LB 335:

1. In the title, strike line 2 and insert: "FOR AN ACT to"; in line 3, strike "to" and insert ", 28-711,"; and in line 5, after "1943" insert ", relating to crimes and offenses"; and strike "to harmonize provisions" and insert "to provide for the protection of adults from certain abuses as prescribed;".

LEGISLATIVE BILL 353. Placed on Select File.

LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendments to LB 208:

1. In the Koch amendment, strike "page 7" and insert "page 3", remove underscoring and provide for the stricken matter being shown as stricken.
2. On page 8, line 12, insert an underscored comma after "or".
3. In the title, line 2, strike "section 79-403" and insert "sections 79-403 and 79-1108".

LEGISLATIVE BILL 36. Placed on Select File.
LEGISLATIVE BILL 402. Placed on Select File.

LEGISLATIVE BILL 525. Placed on Select File as amended.
E & R amendment to LB 525:

1. On page 2, lines 2 and 8, and committee amendments, line 11, strike "his or her" and insert "the".

(Signed) Karen Kilgarin, Chairperson

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendment found in the Journal on page 935 for the Forty-Fourth Day, First Session, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. R. Peterson asked unanimous consent to withdraw his pending amendment found in the Journal on page 268. No objections. So ordered.

Mr. R. Peterson offered the following amendment:

1. On line 2, following "committee", insert, "of a state or local association or society composed of health practitioners licensed pursuant to the provisions of Chapter 71, article 1,"
2. On line 27, following the period insert, "Nothing in this act shall prohibit a court of record, after a hearing and for good cause shown,

from ordering the disclosure of such proceedings, minutes, records, reports, or communications."

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 255. Title read. Considered.

Standing Committee amendments found in the Journal on page 1669 for the Seventy-First Day, First Session, lost with 6 ayes, 16 nays, 21 present and not voting, and 6 excused and not voting.

Mr. Wagner renewed the pending Hefner-Wagner amendment found in the Journal on page 249.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner-Wagner amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

1. On page 3, line 1, strike the second comma and insert "and" and strike " , and health".

2. In the standing committee amendments, line 5, strike "and health".

VISITORS

Visitors to the Chamber were 16 students and teacher from the Nebraska School for the Deaf of Omaha; Kenneth Dill and Harold Tripple of Scottsbluff; Dale Caskey of Bassett; a group of supervisors from Lincoln Goodyear; and Mrs. Lyle McBride, Senator Pirsch's mother, from Omaha.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:30 a.m., Monday, January 25, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 25, 1982

Pursuant to adjournment, the Legislature met at 9:31 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Miss Kilgarin, Messrs. DeCamp, and Warner who were excused; and Mesdames Higgins, Labedz, Messrs. Beutler, Chambers, Duda, Fowler, Goll, Goodrich, Hoagland, Koch, Stoney, and Wiitala who were excused until they arrive.

PRESIDENT LUEDTKE PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 375. Placed on Select File as amended.
E & R amendments to LB 375:

1. In the Schmit amendment, request 2505, on page 10, line 19, insert "that" after "except".

2. In the Schmit amendment, request 2505, on page 15, line 20, insert an underscored comma after "area".

3. In the title, strike lines 9 to 13 and insert "districts; to amend section 46-672, Reissue Revised Statutes of Nebraska, 1943, sections 46-660 and 46-663, Revised Statutes Supplement, 1980, and sections 46-656, 46-657, 48-659, 46-666, 46-673, and 46-674, Revised Statutes

Supplement, 1981; and to repeal the".

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendments to LB 267:

1. On page 1, lines 12 and 13, strike ". However," and insert ", except that".

2. In the R. Peterson amendment 2, line 2, strike "act" and insert "section".

3. In the title, line 4, strike "dental" and insert "peer" and after "committees" insert "; and to provide an exception".

LEGISLATIVE BILL 255. Placed on Select File as amended.
E & R amendments to LB 255:

1. On page 2, line 2, page 3, line 23, and in the title, line 3, strike "1980" and insert "1981".

2. In lieu of the Hefner amendment 2, on page 2, lines 8 and 22, strike "twelve" and reinstate the stricken "eleven"; and in lines 9 and 22, insert "seven hundred fifty thousand" before "dollars"; and on page 3, line 20, strike "one million" and insert "two hundred fifty thousand".

3. On page 3, line 21, strike "twelve" and insert "eleven" and insert "seven hundred fifty thousand" after "million".

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 375

1. Underscoring has been supplied in the Vickers et al amendment, and a period inserted after "wells" in line 3.

2. The spelling of "accommodate" has been corrected on page 11, line 11 of the Schmit amendment, request 2505.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 589. Placed on General File.
LEGISLATIVE BILL 598. Placed on General File.
LEGISLATIVE BILL 646. Placed on General File.

(Signed) John W. DeCamp, Chairperson

Education

LEGISLATIVE BILL 654. Placed on General File.

(Signed) Jerry Koch, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 674 Wednesday, February 3, 1982 (cancel) 1:30 p.m.

(Signed) William E. Nichol, Chairperson

REPORT

Received report from University of Nebraska of Classification and Pay Plan for Managerial and Professional Positions pursuant to LB 560, 1981.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester Attorneys	4,428.25
Luebs, Dowding, Beltzer, Leininger & Smith Attorneys	5,280.26

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 69 in the Journal. No objections. So ordered.

1. Strike the first DeCamp amendment on page 431 of the 1981 Journal.

2. Insert the following new section:

“Sec. 3. Any person licensed to furnish child care pursuant to section 71-1902 when transporting a child under his or her care or custody in a motor vehicle shall use an approved child passenger restraint system for each child or an existing seat safety belt for each child over age one. Any person failing to use an approved child passenger restraint system or seat safety belt pursuant to this section shall be guilty of an infraction pursuant to section 2 of this act and shall have his or her license to furnish child care revoked or suspended by the Department of Public Welfare.".

ANNOUNCEMENT

Mr. DeCamp announced that the Banking, Commerce and Insurance Committee and the Judiciary Committee will be switching hearing rooms on Tuesday, January 26th, 1982. The Banking, Commerce and Insurance Committee will meet in Room 1113 and the Judiciary Committee will meet in Room 2230.

MOTION - Approve Appointments

Mr. Wagner moved the adoption of the report of the Agriculture and Environment Committee for the following Governor appointments found in the Journal on page 321; Homer C. Loutzenheiser, Al Wood - Environmental Control Council; Donald H. Larson - Nebraska Gasohol Committee.

Voting in the affirmative, 29:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Dworak
Fenger
Fowler
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner

Voting in the negative, 0.

Present and not voting, 7:

Cope
Cullan
Johnson, V.
Marvel
Peterson, R.
Von Minden
Wesely

Excused and not voting, 13:

Beutler
Chambers
DeCamp
Duda
Goll
Goodrich
Higgins
Kilgarin
Koch
Labedz
Stoney
Warner
Wiitala

The appointments were confirmed with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

MOTION - Withdraw LB 865

Mr. Haberman renewed the pending Goodrich motion found in the Journal on page 370 to withdraw LB 865.

The motion prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Committee on Committees Report

Mr. Wiitala renewed the Warner-Wiitala pending motion found in the Journal on page 258 to reconsider the adoption of the Committee on Committees report.

Mr. Newell moved for a Call of the House. The motion prevailed with 18 ayes, 15 nays, and 16 not voting.

The Warner-Wiitala motion lost with 16 ayes, 20 nays, 6 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

1. On page 2, line 10, after the period insert "The rate of the sales tax shall not be adjusted at any meeting of the State Board of Equalization and Assesment other than the meeting specifically required by this subsection."

2. On page 5, line 25, strike "rates" and insert "~~rates~~ rate", and strike "sales tax and", and show as stricken.

3. On page 6, line 5, strike "rates" and insert "~~rates~~ rate"; and strike beginning with "sales" in line 11 through "such" in line 13 and show as stricken.

Mr. Lamb asked unanimous consent to print the following amendment to LB 511 in the Journal. No objections. So ordered.

1. In the Lamb amendment adopted on January 12, 1982, strike lines 4 through 15 and insert as follows:

"Sec. 2. For the registration of well-boring apparatus the registration fee shall be one-twelfth of the regular commercial registration fee as determined by gross weight as defined in section 60-331. Such fee shall be collected and distributed in the same manner as other motor vehicle fees.

For purposes of this section well-boring apparatus shall mean trucks, truck-tractors, or combinations of trucks or truck-tractors and trailers or semitrailers which are not for hire and are used exclusively to travel to and from the well site including (1) the well rig truck, (2) the boom truck, (3) the water tank truck, and (4) such other vehicles as are used exclusively for transporting well-boring apparatus to and from the well site including the drill stem, casing, drilling mud, pumps and related equipment, and well-site excavating machinery or equipment.

Well-boring apparatus shall carry on their license plates, in addition to the registration number, the designation of special equipment. Applications for such license plates shall be made to the county treasurer."; and in lines 17 and 18 strike "not specifically authorized by such section" and insert "other than that for which the special equipment license was issued".

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused Tuesday, January 26, 1982. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 378. Title read. Considered.

Mr. Wesely offered the following amendment:

(1)

Req. #1318

1. On page 11, line 19, strike "hospital" and insert "health care facility".

2. On page 12, line 17, strike "identified in this section," and show as stricken; and in line 18 after "which" insert "costs more than four hundred thousand dollars and".

3. On page 33, strike beginning with "Approval" in line 11 through line 13.

4. On page 36, line 6, strike "applicant's"; and in line 7, after "services" insert "by service providers in the health service area".

5. Strike original section 20.

6. Renumber original sections 21 to 57 as sections 20 to 56, respectively.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 15:

Burrows
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kremer
Labedz
Landis
Marsh
Newell
Pirsch
Stoney
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Rumery
Vickers
Von Minden

Present and not voting, 6:

Clark
Koch
Marvel
Schmit
Sieck
Wagner

Excused and not voting, 7:

Beutler
Chambers
DeCamp
Goodrich
Kilgarin
Nichol
Warner

The amendment lost with 15 ayes, 21 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely offered the following amendment:

(2)

Req. #1318

1. On page 40, strike beginning with the comma through line 19 and show the old matter as stricken.

2. Strike original sections 50, 51, and 52.

3. On page 45, line 8, strike "71-5865 to" and insert "71-5867,"; in line 9 strike "sections" and insert "section"; in line 10 strike "and 71-5864"; in line 11 strike the second "and" and following the fourth comma insert "71-5860 to 71-5863, 71-5865, and 71-5866"; and in line 12, after the second comma, insert "section 71-5864, Revised Statutes Supplement, 1981,".

4. Renumber original sections 53 to 57 as sections 50 to 54, respectively.

MR. CLARK PRESIDING

Messrs. R. Peterson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 15:

Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Labedz
Landis
Marsh
Newell
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 25:

Apking
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Koch
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Remmers
Rumery
Vickers
Von Minden
Wagner

Present and not voting, 3:

Barrett
Duda
Pirsch

Excused and not voting, 6:

Beutler
DeCamp
Kilgarin
Peterson, R.
Schmit
Warner

The Wesely amendment lost with 15 ayes, 25 nays, 3 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 572. Placed on General File as amended.
Standing Committee amendment to LB 572:

1. On page 2, line 16, after "shall" insert ", through June 30, 1984,": and before "per" insert "and after June 30, 1984, be fifty".

(Signed) Jerry Koch, Chairperson

Urban Affairs

LEGISLATIVE BILL 698. Indefinitely postponed.

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 208.

Introduced by Fowler, 27th District; V. Johnson, 8th District; Chambers, 11th District.

WHEREAS, there have recently been several allegations of misconduct on the part of correctional officials at the Nebraska Penal Complex; and

WHEREAS, there have been major changes in management of the Complex in the past week; and

WHEREAS, the administration of correctional programs is a major concern of all legislators.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Legislature's Judiciary Committee, acting as the Law Enforcement and Justice Advisory Committee, be instructed to review all reports, correspondence, and other pertinent information concerning recent events at the Nebraska Penal Complex and to report its findings to the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 209.

Introduced by Haberman, 44th District; Apking, 32nd District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; Duda, 14th District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Hefner, 19th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Marsh, 29th District; Marvel, 33rd District; Nichol, 48th District; Peterson, H., 35th District; Peterson, R., 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District.

Introduced on behalf of: Omaha Jaycees.

WHEREAS, Gerald R. Ford was the 38th President of the United States of America; and

WHEREAS, Gerald R. Ford was born in Omaha, Nebraska; and

WHEREAS, Gerald R. Ford is the only Nebraskan to achieve the office of President of the United States of America; and

WHEREAS, Interstate 480 is located near the site of the birthplace of Gerald R. Ford.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Director-State Engineer is hereby urged to initiate the procedures necessary to effectuate the designation of Interstate 480 as the Gerald R. Ford Expressway.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LB 730	Thursday, February 4, 1982	1:30 p.m.
LB 947	Friday, February 5, 1982	1:30 p.m.
LB 842	Thursday, February 11, 1982	1:30 p.m.
LB 803	Friday, February 19, 1982	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

Public Health and Welfare

LB 883	Tuesday, February 2, 1982	1:30 p.m.

(Signed) Samuel K. Cullan, Chairperson

Banking, Commerce and Insurance

Governor's Appointment
Rosemery Hannam - Monday, January 25, 1982 (cancel) 1:30 p.m.

Rosemery Hannam - Monday, February 1, 1982 (reset) 1:30 p.m.
Advisory Committee to Department of Economic Development

LB 826	Monday, February 1, 1982	1:30 p.m.
LB 855	Monday, February 1, 1982	1:30 p.m.
LB 866	Tuesday, February 2, 1982	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 255A. By Wagner, 41st District; Hefner, 19th District; Von Minden, 17th District.
This bill introduced on behalf of: LB 255.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused February 16, March 22, 23, and 24, 1982. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 378. Considered.

Mr. Wesely offered the following amendment:

(3)

Req. #1318

1. On page 16, line 7, strike “review” and reinstate the stricken matter; in line 8 strike “committee”; and strike from “A” in line 10 through the underscored period in line 15.

2. On page 22, line 27, reinstate the stricken matter.

3. On page 23, line 1, strike “Certificate of Need Review Committee”; in line 6 reinstate the stricken matter and strike “review committee”; strike lines 14 through 18; and in line 19 strike “(5)” and insert “(4)”.

4. On page 25, line 7, strike “Certificate of Need Review” and insert “department”; in line 8 strike “Committee”; and in line 12 strike “review committee” and insert “department”.

5. On page 26, line 17, strike “Review” and reinstate “Advisory”.

6. On page 27, line 3, strike “review” and insert “advisory”; and in line 18 strike “Review” and reinstate the stricken matter.

7. On page 29. line 17, strike “Certificate of Need”

and reinstate the stricken matter; in line 18 strike "Review Committee"; strike beginning with "within" in line 21 through line 23 and show the old matter as stricken; and in line 26 strike "review committee" and insert "department".

8. On page 30, line 7, strike "Certificate of Need" and reinstate the stricken matter; in line 8 strike "Review Committee"; in line 22 strike "Certificate of Need" and reinstate the stricken matter; and in line 23 strike "Review Comittee".

9. On page 31, strike "the" and reinstate the stricken matter; in line 2 strike "review" and reinstate the stricken matter; and in line 3 strike "committee".

10. On page 39, line 23, strike "Certificate of Need Review Committee" and reinstate the stricken matter.

11. On page 41, line 8, strike "review committee" and reinstate the stricken matter.

12. Strike original sections 35, 36, 41, and 52.

13. On page 45, line 7, strike "71-5844" and insert "71-5843"; in line 8 strike "71-5855" and insert "71-5849, 71-5851 to 71-5855", and strike the third "to" and insert ", 71-5867,"; in line 9 strike "sections" and insert "section"; and in line 10 strike "71-5845 and".

14. Renumber original sections 37 to 40, 42 to 51, and 53 to 57 as sections 35 to 38, 39 to 48, and 49 to 53, respectively.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Stoney
Wesely
Wiitala

Voting in the negative, 27:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Vickers
Von Minden
Wagner

Present and not voting, 1:

Sieck

Excused and not voting, 4:

DeCamp
Kilgarin
Schmit
Warner

The Wesely amendment lost with 17 ayes, 27 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely offered the following amendment:

(4)

Req. #1318

1. On page 2, line 18, strike "six" and insert "three"; and strike beginning with "On" in line 20 through line 24.

2. On page 5, strike beginning with "On" in line 22 through the underscored period in line 27.

3. On page 11, line 17, strike "four" and insert "three".

4. On page 12, line 17, strike "identified in this section," and show as stricken; in line 18 after "which" insert "costs more than three hundred thousand dollars and"; and in line 24 strike "four" and insert "three".

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 11:

Burrows
Chambers
Dworak
Fowler
Hoagland
Labedz
Landis
Newell
Stoney
Wesely
Wiitala

Voting in the negative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Koch
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Wagner

Present and not voting, 8:

Apking
Beutler
Goll
Higgins
Johnson, V.
Kremer
Lamb
Vickers

Excused and not voting, 4:

DeCamp
Kilgarin
Schmit
Warner

The Wesely amendment lost with 11 ayes, 26 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:

(5)

Req. #1318

1. On page 5, line 20, strike "two hundred fifty" and insert "one hundred".

2. On page 9, strike beginning with "for" in line 16 through line 19 and insert "in excess of the annual operating expenditure minimum in any of the first three years following initiation of the new service".

3. On page 11, line 3, strike strike "or"; following line 3 insert a new subdivision:

"(6) Any project for which a certificate of need has been issued, if such project exceeds the maximum capital expenditure approved or otherwise departs from the project as approved, except for changes in minor details, within three years after the project is implemented; or;

in line 4 strike "(6)" and insert "(7)"; and in line 7 strike "(5)" and insert "(6)".

4. On page 23, line 27, strike "six" and insert "two".

5. On page 29, strike beginning with "The" in line 26 through line 27.

6. On page 30, strike lines 1 through 4; and strike beginning with "A" in line 13 through the underscored period in line 15.

7. On page 31, line 13, strike "may" and insert "shall"; and in line 16 after "approved" insert "within three years after the project is implemented".

8. One page 37, strike beginning with "Licensure" in line 3 through line 11.

9. Strike original section 56.

10. Renumber original section 57 as section 56.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 11:

Burrows
Fowler
Higgins
Hoagland
Johnson, V.
Labedz
Landis
Newell
Stoney
Wesely
Wiitala

Voting in the negative, 27:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Koch
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Wagner

Present and not voting, 8:

Beutler
Chambers
Dworak
Kremer
Lamb
Schmit
Vickers
Von Minden

Excused and not voting, 3:

DeCamp
Kilgarin
Warner

The amendment lost with 11 ayes, 27 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Cullan and Mrs. Marsh offered the following amendment:
1. Amend Section 5, line 18:
Strike "six" and insert "five".

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland offered the following amendment to the Cullan-Marsh amendment:
Strike five and insert three-fifty.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hoagland amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

The Cullan-Marsh amendment is pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 636 in the Journal. No objections. So ordered.

1. On page 4, strike beginning with "including" in line 9 through the underscored comma in line 10.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 692. Placed on General File as amended. Standing Committee amendment to LB 692:

Req. #2560

1. Insert the following new section:

"Sec. 2. That section 17-950, Revised Statutes Supplement, 1980, be amended to read as follows:

17-950. The mayor and council of any such city, or the board of trustees of any such village, are hereby authorized to issue bonds~~, in a sum not exceeding fifty thousand dollars, or one percent of the actual valuation, whichever be the greater,~~ for the purpose of acquiring title to real estate, as contemplated by section 17-948 and 17-949, and for the purpose of improving, equipping, and furnishing such real estate as parks and recreational grounds and for the purpose of building swimming pools and dams; Provided, no such bonds shall be issued until the question of issuing the same shall have been submitted to the electors of such city or village at a general election therein, or at a special election called for the purpose of submitting a proposition to issue such bonds, and unless at such election a majority of the electors voting shall have voted in favor of issuing such bonds. The question of bond issues in such cities and villages, when defeated, shall not be resubmitted in substance for a period of six months from and after the date of ~~said~~ such election. Such bonds shall be payable in not exceeding twenty years from their date, and shall bear interest payable annually or semiannually.".

2. On page 3, line 5, strike "is" and insert "and section 17-950, Revised Statutes Supplement, 1980, are".

3. Renumber original section 2 as section 3.

(Signed) David Landis, Chairperson

Education

LEGISLATIVE BILL 628. Placed on General File as amended. Standing Committee amendments to LB 628:

Req. #2555

1. On page 2, line 8, strike "or" and insert "technical community colleges, and".

2. On page 3, line 6, strike "actual or potential"; in line 7, after "exclusion" insert "of a person"; in line 9, strike "dependent upon the" and insert "unless recommended by a"; and in line 26, strike "one year" and insert "one hundred eighty days".

3. On page 4, line 11, strike "If the" and insert "The", strike "concludes that" and insert "shall dispose of"; and in line 12, strike "is groundless, it" and insert "and".

4. On page 5, after line 2 innsert "A failure to notify the board of such acceptance within the time period provided in this section shall be deemed a rejection of such disposition."; in lines 5 and 16, strike "six months" and insert "one hundred eighty days"; and after line 21 insert "Such action must be filed within two years of the date of the filing of such complaint.".

5. On page 6, strike beginning with "so" in line 5 through "provided" in line 6.

6. Insert the following new section:

"Sec. 10. Nothing in this act shall be construed to prohibit a person asserting a claim for discrimination in employment or the conditions thereof from filing a complaint pursuant to the Nebraska Fair Employment Practice Act. Filing a complaint pursuant to the Nebraska Fair Employment Practice Act shall constitute a waiver of any right to seek relief pursuant to this act and filing a complaint pursuant to this act shall constitute a waiver of any right to seek relief pursuant to the Nebraska Fair Employment Practice Act.".

7. Renumber original section 10 as section 11.

(Signed) Gerald Koch, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 3, Governor's Appointments, which was approved by the Board on January 20, 1982.

Constitutional Revision and Recreation
C. Mickey Skinner - Game and Parks Commission
Judiciary
Col. Elmer Kohmetscher, Supt. - Nebraska State Patrol
Government, Military and Veterans Affairs
Don Stenberg, Director - DAS

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

LB 888	Thursday, February 11, 1982	1:30 p.m.
LB 839	Thursday, February 25, 1982	1:30 p.m.
LB 841	Thursday, February 25, 1982	1:30 p.m.
LB 900	Thursday, February 25, 1982	1:30 p.m.
LB 859	Thursday, March 4, 1982	1:30 p.m.
LB 869	Thursday, March 4, 1982	1:30 p.m.

Governor's Appointment
Fred Gottschalk, Thursday, February 11, 1982 1:30 p.m.
Nebraska Accountability and Disclosure Commission

(Signed) Elroy Hefner, Chairperson

Education

LB 578	Monday, February 1, 1982	1:30 p.m.
LB 709	Monday, February 1, 1982	1:30 p.m.
LB 796	Monday, February 1, 1982	1:30 p.m.
LB 737	Tuesday, February 2, 1982	1:30 p.m.
LB 845	Tuesday, February 2, 1982	1:30 p.m.
LB 938	Tuesday, February 2, 1982	1:30 p.m.

(Signed) Jerry Koch, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

1. On page 2, line 12, after the reinstated "a" insert "nonaccredited"; in line 13, strike "other" and insert "~~other~~ accredited"; in line 24, after the second reinstated "attached"

insert "is currently located in a nonaccredited district and".

2. On page 4, line 7, strike the reinstated "The" and insert "~~The~~ Subject to approval by a majority of elected members of the board of education of the receiving district, the".

3. In the standing committee amendments on page 1, strike beginning with "for" in line 11 through "children" in line 12; and in line 18, after "thereto" insert "and is accredited".

4. In the standing committee amendments on page 2 strike beginning with "and" in line 1 through the semicolon in line 5; and strike beginning with "Transfer" in line 11 through the period in line 15.

5. Strike standing committee amendment 6 to 8.

6. Strike the Koch amendments on page 306 of the Journal.

7. Strike E & R amendments 1 and 3.

Mr. Remmers asked unanimous consent to print the following amendment to LB 274 in the Journal. No objections. So ordered.

1. Page 3, line 1, strike "sickness, accident, and health insurance"

Mr. Schmit asked unanimous consent to print the following amendment to LB 731 in the Journal. No objections. So ordered.

Page 2, Section 2,
Line 10, 11 & 12 - omit "whose chartered territory encompasses at least one incorporated municipality"
Page 2, Line 13 - strike last word, "a"
Page 2, Line 14 - strike third word "system" and insert "systems"
Page 4, Section 3, (1) (a) - delete paragraph and replace with:

"A community advisory board shall be appointed by the governing body of each city or county in which the district provides cable utility system service. This community advisory board shall develop a plan for maximum community involvement and utilization of the access channel. Said plan shall include appropriate safeguards against direct and indirect program censorship and governmental interference with, or control of, program content. The board shall annually review this plan and update it as required. The board shall assure that the operation of the access channel remains free from direct or indirect program censorship and governmental interference with, or control of, program content."

Page 4, Line 17, 20 24, Change "program selection" to "community advisory"
Page 5, Section C, Line 3 - Omit the first sentence in this section. (Lines 3,4,5,6 and first word of line 7, programs)

Page 5, Line 7, 12, 16 - Change "program selection" to "community advisory"
Page 5, Section 3 (c) (2) Omit this paragraph - lines 19 through 25.
Page 5, Line 26 - Change (3) to (2)
Page 6 - Omit first three lines and substitute the following:

"local broadcast signals in full, without deletion or alteration of any portion. Local broadcast signals are those full power television broadcast stations within whose grade B contour, as defined by the Federal Communications Commission, the cable system is located, in whole or in part, and any television translator stations with 100 watts or higher power serving the community of the cable system."

Insert a new paragraph as follows:

"(3) Any cable system owned by a public power district shall comply with the following requirements respecting the number and designation of access channels:

(a) The system shall maintain at least one specifically designated, non-commercial public access channel available on a first come, non-discriminatory basis;

(b) The system shall maintain at least one specifically designated channel for leased access use. In addition, other portions of its non-broadcast band, shall be available for leased access uses. On at least one of the leased channels, priority shall be given part-time users."

Page 9, Section 8, Line 12 - After "ordinance" insert "lease,"
Page 10, Section 9, Line 15, (1) - Omit the first sentence of this paragraph and insert the following:

"A community advisory board shall be appointed by the governing body of each city or county in which the city provides cable utility system service. This community advisory board shall develop a plan for maximum community involvement and utilization of the access channel. Said plan shall include appropriate safeguards against direct and indirect program censorship and governmental interference with, or control of, program content. The board shall annually review this plan and update it as required. The board shall assure that the operation of the access channel remains free from direct or indirect program censorship and governmental interference with, or control of, program content."

Page 10, Line 20, 25 - Change "program selection" to "community advisory"
Page 11, Section 9 (2) - Omit this section "2"
Page 11, Line 12 - Section 9 (3) - Change this to Section 9 "(2)" and Change to read as follows:

"(2) The community antenna television service furnished by the municipality shall carry all local broadcast signals in full without deletion or alteration of any portion. Local broadcast signals are those full power television broadcast stations within whose grade B contour, as defined by the Federal Communications Commission, the cable system is located, in whole or in part, and any television translator stations with 100 watts or higher power serving the community of the cable system."

Insert a new paragraph as follows:

"(3)" Any cable system owned by a city shall comply with the following requirements respecting the number and designation of access channels:

a) The system shall maintain at least one specifically designated, non-commercial public access channel available on a first come, non-discriminatory basis;

b) The system shall maintain at least one specifically designated channel for leased access use. In addition, other portions of its non-broadcast band, shall be available for leased access uses. On at least one of the leased channels, priority shall be given part-time users."

Page 11, Section 11, Line 27, after, "may" insert "lease,"

Page 13, Section 12, Line 21 - Change "program selection" to "community advisory".

Omit the last sentence of Section 12, (1) (a).

Insert: "This community advisory board shall develop a plan for maximum community involvement and utilization of the access channel. Said plan shall include appropriate safeguards against direct and indirect program censorship and governmental interference with, or control of, program content. The board shall annually review this plan and update it as required. The board shall assure that the operation of the access channel remains free from direct or indirect program censorship and governmental interference with, or control of, program content."

Page 14, Section 12 - (b) - Lines 4, 8, 11, 12 - Change "program selection" to "community advisory".

Page 14, Section 12 (c) - Line 17 - Omit the first sentence.

Page 14, Lines 20 and 21, Lines 25 and 26 - Change "program selection" to "community advisory".

Page 15, Line 2 - Change "program selection" to "community advisory".

Page 15 - Omit Section 12 (c) 2

Change 12 (c) (3) to 12 (c) (2)

Change 12 (c) (2) to read as follows: "The community antenna television service furnished by the agency shall carry all broadcast signals in full, without deletion or alteration of any portion. Local broadcast signals are those full power television broadcast stations within whose grade B contour, as defined by the Federal Communications Commission, the cable system is located, in whole or in part, and any television translator stations with 100 watts of higher power serving the community of the cable system.

Insert new paragraph as follows:

(c) (3) Any cable system owned by the agency shall comply with the following requirements respecting the number and designation of access channels:

a) The system shall maintain at least one specifically designated, non-commercial public access channel available on a first come, non-discriminatory basis;

b) The system shall maintain at least one specifically designated channel for leased access use. In addition, other portions of its non-broadcast band, shall be available for leased access uses. On at least one of the leased channels, priority shall be given part time users."

VISITORS

Visitors to the Chamber were 30 members of the L.E.A.D. (Leadership - Education Action Development Council) program and sponsors from Nebraska Wesleyan University.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Tuesday, January 26, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 26, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 26, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Gale R. Baldridge, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Dworak, and Warner who were excused; and Messrs. Beutler, Burrows, Chambers, Goodrich, V. Johnson, Mesdames Higgins, Labedz, Marsh, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 959	Wednesday, February 3, 1982	1:30 p.m.
LB 937	Wednesday, February 10, 1982	1:30 p.m.
LB 917	Wednesday, February 17, 1982	1:30 p.m.
LB 749	Wednesday, February 17, 1982	1:30 p.m.
LB 886	Wednesday, February 17, 1982	1:30 p.m.
LB 944	Wednesday, February 17, 1982	1:30 p.m.
LB 800	Wednesday, February 24, 1982	1:30 p.m.
LB 949	Wednesday, February 24, 1982	1:30 p.m.
LB 637	Wednesday, February 24, 1982	1:30 p.m.

LB 690	Wednesday, February 24, 1982	1:30 p.m.

(Signed) Bill Barrett, Chairperson

Public Health and Welfare

LB 932	Tuesday, February 2, 1982	1:30 p.m.

(Signed) Samuel K. Cullan, Chairperson

Banking, Commerce and Insurance

LB 961	Monday, February 8, 1982	1:30 p.m.
LB 907	Tuesday, February 9, 1982	1:30 p.m.
LB 894	Tuesday, February 9, 1982	1:30 p.m.
LB 952	Tuesday, February 9, 1982	1:30 p.m.
LB 951	Tuesday, February 9, 1982	1:30 p.m.
LB 941	Tuesday, February 16, 1982	1:30 p.m.
LB 918	Tuesday, February 16, 1982	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Goodrich and Beutler asked unanimous consent to print the following amendment to LB 278 in the Journal. No objections. So ordered.

1. On page 10, line 26, after the first “a”, insert “written”.

2. On page 11, line 4, after “amount” insert “if such refund amount exceeds ten dollars”.

3. In the Standing Committee amendment in line 7, after “amount” insert “if the amount of such payment exceeds ten dollars”.

4. In the title, in line 4, after the semicolon, insert “to provide a penalty;”.

GENERAL FILE

LEGISLATIVE BILL 378. Considered.

The Cullan-Marsh pending amendment found in the Journal on page 408 was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 26 ayes, 11 nays, 5 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 574. Indefinitely postponed.

(Signed) Dave Landis, Chairperson

Revenue

LEGISLATIVE BILL 630. Placed on General File.

LEGISLATIVE BILL 631. Placed on General File as amended. Standing Committee amendments to LB 631:

1. On page 3, line 26, after "meets" insert "held prior to January 1, 1986,".

2. On page 4, line 10, insert:

"After the effective date of this act and prior to January 1, 1986, the State Racing Commission shall promptly report to the Revenue Committee of the Legislature any changes in the schedule of race meetings which would qualify or disqualify any race meetings under subdivision (1) of this section.".

3. Insert the following new section:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

LEGISLATIVE BILL 728. Placed on General File as amended. Standing Committee amendment to LB 728:

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Calvin F. Carsten, Chairperson

MOTION - Withdraw LB 32A

Mr. Vickers moved to withdraw LB 32A pursuant to rule 5, section 12.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 848	Thursday, February 11, 1982	1:30 p.m.
LB 849	Thursday, February 18, 1982	1:30 p.m.
LB 850	Thursday, February 18, 1982	1:30 p.m.
LB 915	Thursday, February 18, 1982	1:30 p.m.
LB 608	Friday, February 19, 1982	1:30 p.m.
LB 955	Friday, February 19, 1982	1:30 p.m.
LB 958	Friday, February 19, 1982	1:30 p.m.
LB 885	Wednesday, February 24, 1982	1:30 p.m.
LB 889	Wednesday, February 24, 1982	1:30 p.m.
LB 945	Wednesday, February 24, 1982	1:30 p.m.
LB 860	Thursday, February 25, 1982	1:30 p.m.
LB 874	Thursday, February 25, 1982	1:30 p.m.
LB 877	Thursday, February 25, 1982	1:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 359. Title read. Considered.

Standing Committee amendments found in the Journal on page 687 for the Thirty-Third Day, First Session, were adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Landis asked unanimous consent to withdraw the pending Newell-Hoagland-Landis amendment found in the Journal on page 146. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 349. Mr. Haberman requested to have LB 349 passed over.

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendments found in the Journal on page 1214 for the Fifty-Fourth Day, First Session, were considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Cullan requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 26:

Apking
Burrows
Carsten
Cullan
DeCamp
Duda
Fowler
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Landis
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 9:

Cope
Hoagland
Johnson, V.
Koch
Labedz
Newell
Stoney
Vickers
Wiitala

Present and not voting, 9:

Barrett
Beutler
Beyer
Chambers
Chronister
Fenger
Goll
Peterson, R.
Wesely

Excused and not voting, 5:

Clark
Dworak
Kilgarin
Marsh
Warner

The Standing Committee amendments were adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:

Strike the Committee Amendment and to amend the original bill by striking in Line 5 the word "six" and insert "five". On Lines 5 and 6 strike "from different families".

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 5 nays, and 26 not voting.

Amendment pending.

PROPOSED RULES CHANGE

Mr. Fenger offered the following rules change to Rule 7, new section 10:

Section 10. Debate Limitation, Cloture. At any stage of consideration a member may move for cloture to the presiding officer after five and one-half (5 1/2) hours of debate at that stage of consideration on any bill. The presiding officer shall immediately recognize such member and shall then order debate on the pending amendment or motion to cease. The vote on the pending amendment or motion shall be taken immediately. Following the vote on the pending matter a vote on the cloture motion shall be taken, a three-fifths (3/5) vote shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking and is not debatable. If the motion for cloture is successful, a vote on the advancement or final passage of the bill shall immediately be taken without further debate.

A motion for cloture following an unsuccessful motion for cloture shall not be in order until an additional hour of debate has passed.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 606. Placed on General File.
LEGISLATIVE BILL 829. Placed on General File.

(Signed) Samuel K. Cullan, Chairperson

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 274. E & R amendment found in the Journal on page 314 for the Ninth Day was adopted.

Mr. Sieck asked unanimous consent to withdraw his pending amendment found in the Journal on page 392. No objections. So ordered.

Mr. Remmers renewed his pending amendment found in the Journal on page 412.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mrs. Higgins offered the following amendment:

On Page 4, after line 9, insert the following paragraph:

Sec. 6. The director shall certify written examinations for each course, lecture, seminar or other instructional program approved by him. The examination shall demonstrate that a licensee has attained a minimum level of competence in the areas of study completed. No credit hours will be awarded unless (1) the licensee completes the examination, and (2) attains a passing score of 70 percent correct or greater.

The amendment lost with 9 ayes, 21 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Sieck moved to indefinitely postpone LB 274.

Laid over.

ANNOUNCEMENT

Speaker Marvel announced LB 572 be set on Special Order January 27, 1982.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 181
January 20, 1982

Dear Senator Pirsch:

This is in response to your questions pertaining to the effect of Nebraska Constitution, Article VII, Section 5, on LB 948 (your proposed forfeiture of Drug Profits Act).

The first question you ask is whether money which may be "forfeited" under section (1) (g) of that Act is defined as a "fine, penalty, or license."

The answer is that such "forfeited" money is a criminal penalty.

Whether the term "money" under section (1) (g) of that Act indicates a "fine, penalty, or license" depends upon the interpretation of the term "forfeiture" as used in that section. In other words, does "forfeiture" of money under section (1) (g) constitute a "fine, penalty, or license under that section?

First, it is noted that LB 948 pertains to revision or modification of Neb.Rev.Stat. §28-431 (Supp. 1980), which is found in the Crimes and Punishments section of the Nebraska Revised Statutes. LB 948, like the statutory section to which it pertains, is clearly concerned with a criminal matter, requiring court hearing prior to any "forfeiture" for violation of drug and narcotics laws.

With reference to crimes and criminal matters, Black's Law Dictionary (Fourth Edition, 1968), page 778, has defined "forfeiture" as "something imposed as a punishment for an offense [and] frequently associated with the word 'penalty.'"

As pointed out in Corpus Juris Secundum, the forfeiture of specific property "used by a person in the commission of, or in connection with the commission of, a crime [is] . . . a punishment for the crime. . . . the terms 'forfeiture' and 'penalty' are often used [in the criminal law] as being synonymous and interchangeable." 37 C.J.S., Forfeitures, §1, p. 5.

In addition, the Nebraska Supreme Court has apparently regarded the terms "penalty" and "forfeiture" as synonymous under the Nebraska criminal law.

For example, the case of School District of Omaha v. City of Omaha, 175 Neb. 21, 120 N.W.2d 267 (1963), discusses an attempt by the City of Omaha to "direct the payment of forfeited cash bail into the police relief and pension fund of the city" and it declares such an attempt to be "in direct conflict with Article VII, section 5 of the Constitution of Nebraska." The court goes on to say that "the Constitution provides that such penalties [referring to the forfeitures] shall be paid over to common schools." Supra. (Emphasis added.) The term "forfeiture" is synonymous with "penalty."

Next you ask whether the money forfeited pursuant to section (1) (g) of LB 948 may be diverted from the school fund by statute.

The answer is no. The money may not be diverted from the school fund by statute.

The plain language of the Nebraska Constitution, Article VII, section 5, is that:

> All fines, penalties, and license money, arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, by-laws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, . . .

As our court said in School District No. 54 v. School District of Omaha, 171 Neb. 769, 107 N.W.2d 744 (1961):

> The Legislature can not enact a valid law which conflicts with the Constitution. This court, as early as the case of City of Hastings v. Thorne, 8 Neb. 160, said: "That body (the Legislature) can legalize no act which they could not have authorized before it was done. In other words, they cannot validate that which the constitution either in express terms or by necessary implication prohibits."

Money forfeited pursuant to section (1) (g) of LB 948 is a penalty within the meaning of Article VII, Section 5, of the Nebraska Constitution, and the Legislature is therefore without authority to divert that money from the school fund by statute.

Finally, you have asked whether the use of a vehicle forfeited under LB 948 by the confiscating agency would be constitutional under Nebraska Constitution, Article VII, Section 5.

The answer is no. A confiscating agency may not use a vehicle which is forfeited under LB 948.

By defining the term "penalty" to include a "forfeiture" under the criminal law, we have also answered the question of whether a vehicle which is forfeited pursuant to LB 948 may be used by the confiscating agency.

As we stated earlier in this opinion, a criminal "forfeiture" is a "penalty." The "forfeiture" of a vehicle under LB 948 (a bill pertaining to a criminal matter) is therefore properly regarded as a "penalty." As a "penalty" it falls within the provisions of the Nebraska Constitution, Article VII, Section 5, and must be "appropriated exclusively to the use and support of the common schools."

The interpretation as expressed by this opinion is further supported by Nebraska Constitution, Article VII, Section 7, which states in part, that:

> The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to-wit:
>
> . . . .
>
> Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, . . .

The foregoing opinion is consistent with our Attorney General opinion of April 25, 1956, page 226, which we have attached for your consideration.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 182
January 25, 1982

Dear Senator Schmit:

In your letter of January 18, 1982, you call our attention to LB 816, and ask us several questions about the validity of Neb.Rev.Stat. §§77-27,136 to 77-27,137.01 (Supp. 1980), some of which would be amended by LB 816. Ordinarily we do not render opinions as to the constitutionality of legislation which has already been enacted, but because of the relationship of these sections to LB 816, we must depart from this rule.

LB 816 disposes of an additional 70 million dollars in state aid to schools, technical community colleges, counties and incorporated municipalities, presumably the 70 million dollars which would have been distributed pursuant to Neb.Rev.Stat. §77-3611 to §77-3617 (Supp. 1981), which would be repealed by LB 816. Section 1 of the bill allocates an additional 41 million dollars to the School Foundation and Equalization Fund, and Section 2 allocates an additional 2 million dollars for aid to technical community colleges. You have asked no questions about the provisions of Sections 1 and 2 of the bill, so we will not discuss them herein.

Section 3 of the bill amends §77-27,136 by increasing the aid for governmental subdivisions from $12,600,000 to $39,600,000, an increase of 27 million dollars, the balance of the 70 million dollars we previously referred to. Section 4 amends §77-27,137 to provide that 16 million dollars of this increase would go to the general funds of the counties. The balance, pursuant to §27-27,136.01, would go to incorporated municipalities.

LB 816 would not change the formula under which funds are allocated under §§77-27,137 and 77-27,137.01, but only the amounts involved. Your questions involve the validity of the formula presently found in those sections.

Section 77-27,137 provides that the portion of the fund to be distributed for deposit in the general funds of the counties shall be allocated to the counties 50 percent on the basis of the ratio of the population of each county to the population of the entire state, and 50 percent on the basis of the ratio of the valuation of real estate in each county to the valuation of real estate in the entire state. We feel that basing a distribution on assessed valuation in the manner described may be subject to successful constitutional attack.

We discussed a very similar provision in LB 284 in Opinion No. 78, dated April 14, 1981, to Senator Carsten. We discussed the question at some length in that opinion, and will not repeat it here. We were unable to find any rational relationship between assessed valuations, as used in LB 284, and the needs or entitlement of a particular county and the political subdivisions contained therein for state aid. We stated that such a method of distribution tended to give the most money to those who needed it least. After the passage of LB 284 we filed an action in the District Court for Lancaster County asking for a determination of the validity of that provision. The District Court has recently held it unconstitutional, and the case will, we understand, be appealed. The final answer to the validity of such provisions will be supplied by the decision in that case. Payments to counties and incorporated municipalities have been made under the formula prescribed by §§77-27,137 and 77-27,137.05 since 1969. You ask whether all such payments have been improper or illegal. We cannot give you a categorical answer until the Supreme Court has ruled on the validity of the similar provisions of LB 284, but obviously we believe the statute authorizing such payments to be invalid. The payments were not "improper or illegal" in the sense of implying any wrongdoing on the part of the state officials who made such payments in accordance with statutory directions, but may well be "improper and illegal" because the statute was constitutionally invalid.

You ask whether, if the statutory method of distribution is unconstitutional, the counties and municipalities which have received such funds can be required to refund them to the state. We know of no clear precedent on this question, but we do point out that in State ex rel. Douglas v. Marsh. 207 Neb. 598, 300 N.W.2d 181 (1980) we were challenging another distribution formula. The first distribution under that formula was to be made while the case was pending before the Supreme Court, so we asked for a temporary injunction to prevent any distribution pending a final decision. The court, in granting the temporary injunction, said that in the event the court should hold the distribution of the funds unconstitutional, any that had been distributed would be required to be refunded. While this is not the same as a published opinion of the court so holding, it is a good indication of the court's initial reaction to this situation.

We believe, however, that in no event would refunds back to 1969, the first year distributions were made, be required. Neb.Rev.Stat. §25-218 (Reissue 1979) provides in part:

> Every claim and demand in behalf of the state, except for revenue, or upon official bonds, or for loans or money belonging to the school funds, or loans of school or other trust funds, or to lands or interest in lands thereto belonging, shall be

barred by the same lapse of time as is provided by the law in case of like demands between private parties.

Distributions of state aid to its political subdivisions are not "revenue" to the state, within the exception of §25-218, so we believe that Neb.Rev.Stat. §25-212 (Reissue 1979), which provides for a limitation of four years for an action for relief not otherwise provided for applies to this situation.

You ask for our recommendation as to how the Legislature should proceed to assist in resolving the problem of money which has been distributed illegally. We do not believe we should become involved in drafting legislation of this sort. It is, of course, a legislative matter. We will be happy to look over any proposed legislation you wish to introduce, to determine its validity.

Your final question is whether, if we determine that the present 50 percent population, 50 percent valuation formula is valid, a 25 percent population, 75 percent valuation formula would be valid. Since we have not reached that conclusion, it is not necessary to answer that question. We will observe, however, that combining a constitutionally acceptable basis for distribution with a constitutionally unacceptable basis does not cure the defect in the latter basis. On the contrary, the unconstitutional basis probably renders the entire distribution invalid, because the court would probably find that the two provisions were not severable, and that the unconstitutional part was an inducement for the passage of the other, and that both must fall. The severability clause found in Section 5 of LB 816 would probably save Sections 1 and 2 of the bill, since they involve distributions under formulas entirely separate and different from those we have discussed.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
ml
cc: Patrick O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 875	Wednesday, February 10, 1982	1:30 p.m.
LB 881	Wednesday, February 10, 1982	1:30 p.m.
LB 887	Wednesday, February 10, 1982	1:30 p.m.
LB 899	Wednesday, February 10, 1982	1:30 p.m.

LB 939	Wednesday, February 17, 1982	1:30 p.m.
LB 904	Wednesday, February 17, 1982	1:30 p.m.
LB 908	Wednesday, February 17, 1982	1:30 p.m.
LB 909	Wednesday, February 17, 1982	1:30 p.m.

(Signed) Dave Landis, Chairperson

Nebraska Retirement Systems

LB 902	Wednesday, February 3, 1982	1:00 p.m.
LB 936	Tuesday, February 9, 1982	7:30 p.m.

(Signed) Steve Fowler, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 623. Placed on General File as amended. (Standing Committee amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2565.)

(Signed) John W. DeCamp, Chairperson

MOTION - Suspend Rules

Mr. Schmit moved to suspend Rule 3 Section 12, to permit the cancellation of the public hearing on LB 786.

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 697	Thursday, February 4, 1982	1:30 p.m.
LB 840	Thursday, February 4, 1982	1:30 p.m.
LB 861	Thursday, February 4, 1982	1:30 p.m.
LB 873	Thursday, February 4, 1982	1:30 p.m.
LB 897	Thursday, February 4, 1982	1:30 p.m.
LB 786	Friday, January 29, 1982 (Cancel)	1:30 p.m.

(Signed) Loren Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 413. Mr. Hoagland offered the following amendment:

Strike lines 10-15, page 3.

Messrs. Carsten and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Hoagland requested a roll call vote.

Voting in the affirmative, 28:

Apking
Barrett
Beutler
Beyer
Cope
Duda
Fenger
Fowler
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 15:

Burrows
Chambers
Chronister
DeCamp
Goll
Haberman
Higgins
Koch
Landis
Marsh
Marvel
Newell
Remmers
Schmit
Wagner

Present and not voting, 1:

Sieck

Excused and not voting, 4:

Carsten Clark Dworak Warner

Absent and not voting, 1:

Cullan

The Hoagland amendment was adopted with 28 ayes, 15 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Messrs. Barrett, Chronister, Cullan, and Kremer asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

Req. #2545

1. Insert the following new section:

"Section 1. That section 53-123.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-123.01. A manufacturer's license shall allow the manufacture, storage, and sale of alcoholic liquors, including the wholesale distribution of beer, to licensees in this state and to such persons without the state as may be permitted by law, except that nothing in Chapter 53, article 1 shall prohibit a manufacturer of beer from distributing tax paid samples of beer at the premises of a licensed manufacturer for consumption on the premises.".

2. On page 2, line 21, after "section" insert "53-123.01, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 22 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. In the title, line 2, after "section" insert "53-123.01, Reissue Revised Statutes of Nebraska, 1943,

and section"; in line 4 after "of" insert "beer and"; and in line 6 strike "section" and insert "sections".

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 465 in the Journal. No objections. So ordered.

1. Strike original Section 1. Renumber remaining sections accordingly. Delete Page 1, lines 2,3,and 4 of committee amendments.
2. On page 3 of committee amendments,line 12, strike ; or, and lines 13 through line 16. (Page 90 of Journal). In line 22 delete from or to manner in line 23.
3. On page 4 of committee amendments, line 4 delete . and add, and shall not include any credit for time spent in custody prior to sentencing.
4. On page 4 of committee amendments, line 19, delete . and add, and shall not include any credit for time spent in custody prior to sentencing.

Mr. Wagner asked unanimous consent to print the following amendment to LB 675 in the Journal. No objections. So ordered.

Req. #2553

1. Insert the following new section:

"Sec. 3. That section 54-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-134. There is hereby created the Nebraska brand inspection area, which shall consist of all that part of the State of Nebraska lying within the following counties: Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Buffalo, Chase, Cherry, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Franklin, Frontier, lots 17, 18, 32, and the east one hundred feet of lots 33 and 34, Corbins addition to the village of Beaver City, and part of the south half of section 1, township 3, north, range 21, on railroad right-of-way in the west part of Oxford Town called Burlington addition, Oxford, Furnas, Garden, Garfield, Gosper, Grant, Greeley, all of lots 1, 7, and 8 in block 48 in original town of Grand Island, and all of the southeast quarter lying south of the Union Pacific Railroad Company's right-of-way in section 24, township 11, north, range 10 in Hall, Harlan, Hayes, Hitchcock, Holt, Hooker, Kearney, Keith, Keya Paha, Kimball, all of Knox except Eastern, Dolphin, Dowling, Columbia, Morton, Peoria, and Lincoln townships and half of Addison township lying south of Highway 12, Lincoln, Logan, Loup, McPherson, Morrill, Perkins, Phelps, Red Willow, Rock, Scotts Bluff, Sheridan, Sherman, Sioux, Thomas, Valley, the existing livestock auction markets in Blue Hill, all of lots 1 to 6, and lots 7 and 8, except 22 feet of the east side of lot 8, all in block 6, original town of Blue Hill, and Red Cloud, part of lot A, Roats subdivision to Red Cloud, lots 1 and 2 and the south one half of block 32 in original town of Red Cloud, and all of annex lot 21, Red Cloud, in Webster, all of Wheeler, except the southwest quarter of section 34, township 24, north, range 12, west, and the west half of section 3, township 23, north, range 12, west of the 6th principal meridian, and any county that may be added thereto pursuant to sections 54-134.01 to 54-134.09.".

2. On page 16, line 10, after "original" insert "section 54-134, Reissue Revised Statutes of Nebraska, 1943,".

3. Renumber remaining sections accordingly.

Messrs. Vickers and Koch asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

Page 4, lines 3 and 4, strike the new language; following "provided.", insert the following new language:

"For any real estate purchased or otherwise acquired after January 1, 1982 for which public access is granted pursuant to sections 39-1713 to 39-1719, the person petitioning for such access shall also reimburse the county for all engineering and construction costs incurred in providing such access."

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 859	Thursday, March 4, 1982 (cancel)	1:30 p.m.
LB 859	Friday, February 19, 1982 (reset)	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

MR. NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 32. E & R amendments found in the Journal on page 315 for the Ninth Day were adopted.

Messrs. Vickers, Von Minden, and Beutler offered the following amendment:

1. Page 3, strike section 6.

The amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

VISITORS

Visitors to the Chamber were K. W. Peterson of Sargent; 13 students and teacher from Irving Jr. High of Lincoln; and a group from the state representating the Energy Independence Army.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Wednesday, January 27, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 27, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 27, 1982

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by William A. Koeber, Jr., Pastor, Resurrection Evangelical Lutheran Church, Gretna, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Mrs. Pirsch, Messrs. Chambers, Hoagland, V. Johnson, Newell, Schmit, Sieck, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 411, line 18, strike "Governor's Appointment" and insert "Secretary of State's Appointment".
The Journal for the Twelfth Day was approved as corrected.

The Journal for the Thirteenth Day was approved.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Governor's Appointment
Don Stenberg - Thursday, February 11, 1982 1:30 p.m.
Director of Department of Administrative Services

LB 746	Thursday, February 4, 1982	1:30 p.m.
LB 879	Friday, February 5, 1982	1:30 p.m.

LB 790	Thursday, February 11, 1982	1:30 p.m.
LB 795	Thursday, February 11, 1982	1:30 p.m.
LB 882	Thursday, February 11, 1982	1:30 p.m.
LB 682	Thursday, February 18, 1982	1:30 p.m.
LB 601	Thursday, February 18, 1982	1:30 p.m.
LB 748	Thursday, February 18, 1982	1:30 p.m.
LB 854	Thursday, February 18, 1982	1:30 p.m.
LB 921	Friday, February 19, 1982	1:30 p.m.
LB 844	Friday, February 19, 1982	1:30 p.m.
LB 872	Friday, February 19, 1982	1:30 p.m.
LB 871	Thursday, February 25, 1982	1:30 p.m.
LB 624	Thursday, February 25, 1982	1:30 p.m.
LB 956	Thursday, February 25, 1982	1:30 p.m.

(Signed) Martin Kahle, Chairperson

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 579. Placed on General File as amended.
Standing Committee amendments to LB 579:

1. On page 2, line 19, reinstate the stricken period; strike lines 21 through 23 and show the old matter as stricken; in line 26 after "dollars" insert an underscored period; and strike beginning with the comma in line 26 through line 27 and show the old matter as stricken.

2. On page 3, in line 2 and 3 strike "sections 60-301 to 60-344." and show the period as stricken.

(Signed) Maurice Kremer, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 572. Title read. Considered.

Standing Committee amendment found in the Journal on page 401 for the Twelfth Day was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Koch asked unanimous consent to expedite LB 572. No objections. So ordered.

LEGISLATIVE BILL 270. Title read. Considered.

Mr. Newell renewed his pending amendment found in the Journal on page 420.

The amendment was adopted with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Barrett moved to indefinitely postpone LB 270.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Barrett moved for a Call of the House. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Barrett requested a roll call vote on his motion.

Voting in the affirmative, 25:

Barrett
Beutler
Beyer
Chambers
Cope
Fenger
Fowler
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Peterson, R.
Rumery
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 22:

Apking
Burrows
Carsten
Chronister
Clark
DeCamp
Duda
Dworak
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Sieck
Von Minden
Wagner

Excused and not voting, 2:

Cullan Schmit

The Barrett motion to indefinitely postpone prevailed with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 663. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 703. Placed on General File as amended.
Standing Committee amendment to LB 703:

1. On page 2, after line 17, insert "Such approval shall be indicated on the face of the warrant.".

(Signed) Samuel K. Cullan, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 786	Thursday, February 18, 1982 (reset)	1:30 p.m.
LB 953	Thursday, February 18, 1982	1:30 p.m.
LB 847	Friday, February 19, 1982	1:30 p.m.
LB 893	Friday, February 19, 1982	1:30 p.m.
LB 962	Friday, February 19, 1982	1:30 p.m.

(Signed) Loran Schmit, Chairperson

Constitutional Revision and Recreation

Governor's Appointment
C. Mickey Skinner, Thursday, February 25, 1982 1:30 p.m.
Game and Parks Commission

LB 905	Thursday, February 25, 1982	1:30 p.m.

(Signed) Bernice Labedz, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Director, Nebraska Energy Office
Buck Balok

Advisory Committee to Dept. of Economic Development
Max E. Kiburz
John Egging

Voting aye: Senators Clark, Duda, Haberman, Landis, Remmers. Nay: None. Absent: Senators Schmit, DeCamp, Labedz.

(Signed) John W. DeCamp, Chairperson

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 347. E & R amendments found in the Journal on page 315 for the Ninth Day were adopted.

Mr. Nichol renewed his pending amendment, Req. #2546, found in the Journal on page 381.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:

1. On page 11, strike lines 15 through 17.
2. On page 12, strike lines 10 through 12.
3. In the Beutler amendment (2) on page 157 of the Journal, page 1, line 4, after the semicolon add "and" and strike "child" and insert "Child"; and strike beginning with the semicolon in line 6 through the end of line 7 and insert a period.

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Messrs. Sieck and L. Johnson offered the following amendment:
Req. #2577

1. Insert the following new sections:

"Sec. 8. (1) Whoever steals property of any value by taking the same from the person of another without putting such person in fear by threats or the use of force and violence shall be deemed guilty of larceny from the person.

(2) Larceny from the person shall be a Class IV felony.

Sec. 9. That section 28-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-510. Conduct denominated theft in sections 28-509 to 28-518 constitutes a single offense embracing the separated offenses heretofore known as ~~larceny,~~ embezzlement, false pretense, extortion, blackmail, fraudulent conversion, receiving stolen property, and the like. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under sections 28-509 to 28-518, notwithstanding the specification of a different manner in the indictment or information, subject only to the power of the court to insure fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.".

2. On page 12, line 14, after the third comma insert "28-510,".

3. In the title, line 4, after the first comma insert "28-510,".

4. Strike E and R amendment 3 and renumber sections 8 to 12 as sections 10 to 14 respectively.

The amendment lost with 12 ayes, 13 nays, 22 present and not voting, and 2 excused and not voting.

Messrs. L. Johnson and Sieck offered the following amendment:
Req. #2578

1. Insert the following new section:

"Sec. 8. That section 28-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-515. (1) A person commits theft if he or she obtains services which he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone, electric service, natural gas service, or other public service, including cable television, accomodation in hotels, restaurants or elsewhere, admission to exhibitions, and use of vehicles or other movable property, or who by any deceptive and unauthorized means obtains the benefit of service at less than the proper rate or charge. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(2) A person commits theft if, having control over the disposition of services of others, to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

(3) Any person who makes or possesses any device, instrument, apparatus, or equipment designed or which can be used to obtain telecommunications service, electric service, natural gas service, or other public service, including cable television, fraudulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or who sells, gives or otherwise transfers to another, or offers or advertises for sale, any such device, instrument, apparatus, or equipment, or plans or instructions for making or assembling the same, under circumstances evincing an intent to use or employ such device, instrument, apparatus, or equipment, or to allow the same to be used or employed, for a purpose described in this subsection, or knowing or having reason to believe that the same is intended to be used, or that the plans or instructions are intended to be used, for making or assembling such device, instrument, apparatus, or equipment is guilty of a Class II misdemeanor.”.

2. On page 12, line 14, after the third comma insert “28-515,”.

3. In the title, line 4, after the first comma insert “28-515,”.

4. Renumber remaining sections accordingly.

5. Strike Enrollment and Review Amendment 3.

Messrs. Wiitala, Koch, and Goll asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the L. Johnson-Sieck amendment:

Strike the new language in lines 15 - 17 pg. 1.

The Beutler amendment was adopted with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment to the L. Johnson-Sieck amendment:

Strike on Pg 1, line 11, the words "natural gas service" and on line 12, the words "including cable television"; On pg 2, strike the new language on lines 5 through 7.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his amendment. No objections. So ordered.

Messrs. L. Johnson and Sieck asked unanimous consent to withdraw their amendment as amended. No objections. So ordered.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 793	Monday, February 1, 1982	1:30 p.m.
LB 903	Monday, February 1, 1982	1:30 p.m.
LB 914	Monday, February 1, 1982	1:30 p.m.
LB 582	Tuesday, February 2, 1982	1:30 p.m.
LB 819	Tuesday, February 2, 1982	1:30 p.m.
LB 940	Tuesday, February 2, 1982	1:30 p.m.
LB 770	Wednesday, February 3, 1982	1:30 p.m.
LB 890	Wednesday, February 3, 1982	1:30 p.m.
LB 591	Wednesday, February 3, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 198 in the Journal. No objections. So ordered.

1. In the standing committee amendments, White Copy req. 2097, on page 1, strike lines 15 through 23 and insert the following new subsection:

"(3) Retail customers whose residences are being served by a public power district and whose residences are not in the chartered territory of such district may request the district in writing for a right to vote. The secretary of the district shall cause notice to be given to each such retail customer which reasonably prescribes the manner the retail customer may request a right to vote. The notice shall be given by first class mail and may be included as part of the regular billing statement mailed to a customer, however such mail shall be conspicuously marked as to its importance. Such notice shall be given at least sixty days prior to the time the election certification and publication information is transmitted to the Secretary of State pursuant to section 70-611. The district shall certify to the Secretary of State the names of all such retail customers along with identification of the voting or election precincts wherein such retail customers reside, and each such retail customer shall be a qualified elector if otherwise qualified to vote at such residence.".

2. Insert a new section as follows:

"Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. In the E and R amendments on page 6, line 21, after "sections" insert "; and to declare an emergency".

Messrs. Carsten and Warner asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

Req. #2556

1. Insert the following new sections:

"Sec. 2. That section 77-2715.02,. Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.02. (1) The Tax Commissioner shall include in the revenue estimate provided to the State Board of Equalization and Assessment monthly estimates of the anticipated receipts for each source of General Fund revenue which provides in excess of five million dollars annually to such fund.

(2) On December 15 of each year, on the seventieth legislative day in odd-numbered years, and on the fortieth legislative day in even-numbered years, the Tax Commissioner shall provide to the chairpersons of the Appropriations and Revenue Committees of the Legislature a report reflecting the projections of General Fund gross receipts, net receipts, and beginning unobligated balance for the following fiscal year based upon tax rates in effect at the time such projections are made.

~~(2)~~ (3) On or before the fifteenth day of each month the Tax Commissioner shall provide to each member of the State Board of Equalization and Assessment and the chairpersons of the Appropriations and Revenue Committees of the Legislature a report reflecting the General Fund

~~deposits~~ actual receipts for the preceding calendar month and the limitations of information contained in such report. Such report shall be made available to any individual upon request.

~~(3)~~ (4) ~~After January 1, 1976, if~~ If the accumulative total ~~deposits~~ actual receipts to the General Fund for the year shall at any time be less than ninety per cent or greater than one hundred ten per cent of the projected ~~deposits~~ receipts for such period, the Governor may call a meeting of the State Board of Equalization and Assessment to determine whether the rates for the sales tax and income tax shall be changed. If such a change is required, the board shall establish the new rates pursuant to section 77-2715.01.

Sec. 3. Sections 2 to 4 of this act shall become operative on their effective date. Sections 1 and 5 of this act shall become operative three calendar months after the adjournment of the legislative session.

Sec. 4. That original section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and also section 77-386, Revised Statutes Supplement, 1980, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

2. Renumber original section 2 as section 5.

3. In the title, line 2, after ''amend'' insert ''section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and''; in line 5, strike the second ''and'' and insert ''to require the reporting of certain information by the Tax Commissioner;''; and in line 6, strike ''section'' and insert ''sections, and also section 77-386, Revised Statutes Supplement, 1980; and to declare an emergency''.

Mr. Lamb asked unanimous consent to print the following amendment to LB 592 in the Journal. No objections. So ordered.

1. On page 2, in lines 5 and 6, strike ''81-8,273 to 81-8,275,''; and in lines 8 and 9 strike ''sections 81-8,272 and'' and insert ''section''.

Mr. Vickers asked unanimous consent to print the following amendment to LB 239 in the Journal. No objections. So ordered.

Page 4, lines 3 and 4, strike the new language; on line 5, following ''provided.'', insert the following new language:

"For any real estate purchased or otherwise acquired after January 1, 1982 for which public access is granted pursuant to sections 39-1713 to 39-1719, the person petitioning for such access shall also reimburse the county for all engineering and construction costs incurred in providing such access."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 618 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2572.)

VISITORS

Visitors to the Chamber were 23 students and teacher from Sacred Heart School, Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 9:00 a.m., Thursday, January 28, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 28, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 28, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. Carsten, Chambers, and Hoagland who were excused; and Mrs. Labedz, Messrs. Beutler, Cullan, Hefner, Lamb, Newell, R. Peterson, Schmit, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 32 and 413.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 413

The following change, now required to be reported to you for publication in the Journal, has been made to LB 413:

1. In lieu of all other amendments to page 3, line 9, the semicolon has been stricken and an underscored period inserted.

2. On page 3, line 3, "and" has been inserted after the semicolon; and in line 8, the semicolon has been stricken and an underscored comma inserted.

(Signed) Emory P. Burnett
E & R Attorney

MESSAGE FROM THE GOVERNOR

January 26, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following reappointments to the Commission of Industrial Relations, requiring legislative confirmation:

Dean G. Kratz, 1850 So. 105th Street, Omaha 68144;
Jeffrey L. Orr, 3806 11th Avenue, Kearney 68847.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Dean G. Kratz
Jeffrey L. Orr
Accountability and Disclosure Commission
Commission of Industrial Relations

REPORTS

Received reports from the Thurston County Sheriff's Department of break down of duties performed by personnel of department pursuant to 23-362.

Received report from Nebraska State Patrol pursuant to 28-429 (3) of Nebraska State Patrol Drug Control Cash Fund for 1981.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 913	Wednesday, February 3, 1982	1:30 p.m.
LB 919	Wednesday, February 3, 1982	1:30 p.m.
LB 806	Monday, February 8, 1982	1:30 p.m.
LB 812	Monday, February 8, 1982	1:30 p.m.
LB 814	Monday, February 8, 1982	1:30 p.m.
LB 858	Tuesday, February 9, 1982	1:30 p.m.
LB 856	Tuesday, February 9, 1982	1:30 p.m.
LB 862	Tuesday, February 9, 1982	1:30 p.m.
LB 901	Tuesday, February 9, 1982	1:30 p.m.
LB 867	Tuesday, February 16, 1982	1:30 p.m.
LB 911	Tuesday, February 16, 1982	1:30 p.m.
LB 922	Tuesday, February 16, 1982	1:30 p.m.
LB 780	Wednesday, February 17, 1982	1:30 p.m.
LB 910	Wednesday, February 17, 1982	1:30 p.m.
LB 948	Monday, February 22, 1982	1:30 p.m.
LB 950	Monday, February 22, 1982	1:30 p.m.
LB 965	Monday, February 22, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 208. Read. Considered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the adoption of LR 208.

Voting in the affirmative, 19:

Beyer
Burrows
Fowler
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wagner
Wesely

Voting in the negative, 19:

Apking
Barrett
Chronister
Clark
Cope
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Johnson, L.
Kahle
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner

Present and not voting, 1:

DeCamp

Excused and not voting, 10:

Beutler
Carsten
Chambers
Cullan
Hefner
Higgins
Hoagland
Lamb
Schmit
Wiitala

LR 208 failed with 19 ayes, 19 nays, 1 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 209. Read. Considered.

Messrs. Cope, Goodrich, Newell, and Mrs. Labedz asked unanimous consent to have their names added as co-introducers to LR 209. No objections. So ordered.

LR 209 was adopted with 29 ayes, 1 nay, 9 present and not voting, and 10 excused and not voting.

ANNOUNCEMENT

Speaker Marvel announced LB 387, LB 631, and LB 589 be set on Special Order February 1, 1982.

Speaker Marvel directed that LB 115 and LB 115A be moved from Passed Over to General File.

GENERAL FILE

LEGISLATIVE BILL 435. Title read. Considered.

Mr. Landis renewed his pending amendment to the Standing Committee amendments, found in the Journal on page 2258, First Session.

The amendment was adopted with 23 ayes, 0 nays, 16 present and not voting, and 10 excused and not voting.

Standing Committee amendments, Req. #2355, found in the Journal on page 1869 for the Seventy-Seventh Day, First Session, were adopted, as amended, with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 127. Title read. Considered.

Mr. Sieck renewed his pending amendment, Req. #2537, found in the Journal on page 382.

Amendment pending.

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 264. E and R amendments found in the Journal on page 315 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 492. E & R amendments found in the Journal on page 333 for the Tenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 403. E & R amendments, Req. #2540, found in the Journal on page 333 for the Tenth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 229. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 563. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 564. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 565. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 566. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 309. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 418. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 490. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. E & R amendment found in the Journal on page 339 for the Tenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 423. E & R amendment found in the Journal on page 349 for the Tenth Day was adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider LB 270

Mr. Cullan moved to reconsider the motion to indefinitely postpone LB 270.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 870	Monday, February 22, 1982	1:30 p.m.

(Signed) William E. Nichol, Chairperson

Appropriations

LB 931	Tuesday, February 2, 1982	1:30 p.m.
LB 928	Wednesday, February 3, 1982	1:30 p.m.
LB 966	Wednesday, February 3, 1982	1:30 p.m.
LB 934	Friday, February 5, 1982	1:30 p.m.
LB 935	Friday, February 5, 1982	1:30 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 127 in the Journal. No objections. So ordered.

When there is no qualified surveyor within a county who will accept the office of county surveyor, the county board of such county may appoint or employ a competent surveyor from any other county of the State of Nebraska to such office. In making such appointment or employment, the County Board shall negotiate a contract with the surveyor, such contract to specify the terms and conditions of the appointment or employment, including the compensation of the surveyor, which compensation shall not be subject to the provisions of Section 33-116.

Messrs. H. Peterson and Hefner asked unanimous consent to print the following amendment to LB 610 in the Journal. No objections. So ordered.

1. On page 3, line 9, after "committee" insert ", other than at the request of the committee"; and in line 10 after the period insert "For purposes of this section public employee shall not include any elected official or a person representing an elected official.".

PROPOSED RULE CHANGE

Mr. Warner offered the following rule change:
Amend Rule 6, Section 12, by adding the following new language.

After five full legislative days have elapsed after the receipt of a veto message from the Governor, if the Legislature has not passed the bill notwithstanding the objections of the Governor, the Clerk shall deliver the bill to the Secretary of State for permanent filing. No motions on such bills shall be in order after this time limitation has elapsed.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 378. Placed on Select File as amended.
E & R amendments to LB 378:

1. Underscoring has been supplied in the Cullan-Marsh amendment.

2. In the Cullan amendment, Req. 1318 as printed and distributed, on page 42, line 12, strike "department" and insert "~~department~~ review committee"; and on page 44, line 13, insert an underscored comma after "research".

3. In the title, strike lines 2 to 7 and insert:
"FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805,
71-5810, 71-5811, 71-5813, 71-5820 to 71-5823,
71-5828 to 71-5838, 71-5840 to 71-5844, 71-5846 to
71-5855, 71-5857 to 71-5859, 71-5865 to 71-5868,
and 71-5870, Revised Statutes Supplement, 1980,
and sections 71-5845 and 71-5864, Revised Statutes
Supplement, 1981, relating to public health";
and in line 17 after the semicolon insert
"to change the name and function of a committee;
to change provisions relating to appeal;";

and strike line 19 and insert
"sections 71-5814, 71-5827, 71-5839, and 71-5856,".

LEGISLATIVE BILL 359. Placed on Select File as amended.
E & R amendments to LB 359:
Req. #2580

1. Pursuant to the enactment of Laws 1981, LB 37, section 1, and the adoption of committee amendment 1, strike section 1 and insert:

"Section 1. That section 31-735, Revised Statutes Supplement, 1981, be amended to read as follows:

31-735. On the first Tuesday after the second Monday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district, and on the first Tuesday after the second Monday in September each two years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees of five in number shall be elected. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. The term of office of an elected trustee ~~on July 10, 1976,~~ serving on the effective date of this act and a trustee appointed to fill the unexpired term of such elected trustee, shall be extended to the first Tuesday after the second Monday in September immediately following the date on which such term would otherwise have expired. Any person desiring to file for office of trustee may file for such office with the county clerk, or election commissioner in counties having election commissioners, of the county in which the greater proportion in area of the district is located, not later than thirty days before the election. No filing fee shall be required. A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether he or she is a candidate for election by the resident owners of such district or whether he or she is a candidate for election by all of the owners of real estate located in the district. The name of such candidate shall appear on only one ballot. The name of a person may be written in and voted for as a candidate for the office of trustee, and such write-in candidate may be elected to the office of trustee. Such trustees shall be owners of real estate located in the district. The election shall be conducted at a location or place within the boundaries of the district unless there is no building within the district or all of the owners in the district shall consent to an election outside the district, and the polling place shall remain open to the voters for not less than four consecutive hours between 8:00 a.m. and 8:00 p.m. of the date of election. Notice of the time and place of the election shall be mailed by the clerk of the district at least forty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the board of trustees, which shall be not more than sixty-five days prior to the election. Notice of the time and place of the election shall also be mailed by the clerk of the district to the county clerk or election commissioner at least forty-five days prior to the election. Persons whose ownership or right to vote becomes of record or is received after such date may vote upon establishing their right to vote to the satisfaction of the election board. Such notice shall state the time, place, and purpose of the election. The board of trustees of the district shall supply the county clerk or election commissioner with a list of names and addresses of all residents of the district owning real estate within the district and all nonresidents owning real estate located in the district, indicating which are the resident owners, at least fourteen days prior to the election. At the time the list is supplied the board of trustees shall also pay the county clerk or election commissioner the amount he or she estimates the election will cost. At the first election and at the election held two years after the first election, any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she may own in the district. At the election held four years after the first election of trustees, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land, or fraction thereof, and for each platted lot owned within the district for a candidate for each office of trustee to be filled by election of all property owners. For each office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she owns in the district. At the election held eight years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this section, except that, if more than fifty per cent of the homes in any sanitary and improvement district are used as a second, seasonal, or recreational residence, the owners of such property shall be considered legal property owners resident within such district for purposes of electing trustees, and at the election held six years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this seciton. If there are not any legal property owners resident within such district the five members shall be elected by the legal property owners of all property within such district as provided in this section. Any corporation, public, private, or municipal, owning any land or lot in the district, may vote at such election the same as an individual. For purposes of voting for trustees, each condominium apartment under a condominium property regime established under the Condominium Property Act shall be deemed to be a platted lot and the lessee, or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees. Should two or more persons or officials claim the right to vote on the same tract, the election board shall determine the party entitled to vote. Such board shall select one of their number chairperson and one of their number clerk. In case of a vacancy on said board the remaining trustees shall fill the vacancy on said board until the next election.".

2. On page 7, line 12, and in the title, line 2, strike "sections 31-735 and" and insert "section"; and at the end of line 13, page 7, and the title, at the end of line 3, insert "and section 31-735, Revised Statutes Supplement, 1981,".

LEGISLATIVE BILL 572. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 465. E & R amendments found in the Journal on page 315 for the Ninth Day were adopted.

Mrs. Pirsch renewed her pending amendment found in the Journal on page 431.

Mr. Beutler offered the following amendment to the Pirsch amendment:

Add the following language to end of 3 & 4:
"unless the time in custody is solely related to the offense for which the sentence is being imposed under this section."

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Pirsch amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 431. Mr. DeCamp renewed his pending amendment, Req. #2511, found in the Journal on page 185.

Mr. Beutler offered the following amendment to the DeCamp amendment:

Drop the words "approved by the commission" in line 2 page 2.

Mr. Beutler moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Beutler amendment lost with 17 ayes, 22 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 185. No objections. So ordered.

Mrs. Labedz renewed her pending amendment, Req. #2545, found in the Journal on page 430.

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Stoney requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 417. E & R amendments, Req. #2539, found in the Journal on page 336 for the Tenth Day were adopted.

Mr. Warner offered the following amendment to the E & R amendments:

On Pg. 2 line 1 strike "fifteen" and insert "eighteen".

Mr. Wiitala asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Members Excused

Mr. R. Peterson and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 314 in the Journal. No objections. So ordered.

Req. #2585

1. Strike original section 1.

2. Insert the following new sections:

"Section 1. The Director of Public Welfare shall, by rule and regulation, when determining need for public assistance on the basis of available resources, exclude from the definition of available resources all funds deposited in an irrevocable trust fund created pursuant to section 71-1342 for a prearranged funeral plan.

Sec. 3. That section 71-1342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1342. (1) (a) Whenever any person, referred to in this section as the depositor, makes an agreement with a funeral director, funeral firm, cemetery organization, or any person or organization referred to in this section as the beneficiary, for the final disposition of the body of a person referred to in this section as the potential decedent, wherein the use of personal property, under a prearranged funeral plan or the furnishing of services of a funeral director or embalmer in connection therewith is not immediately required, all payments made under the agreement, including interest and dividends, if any, shall be and remain trust funds until occurrence of the death of the potential decedent, unless the funds are sooner released upon demand to the depositor, after written notice to the beneficiary.

(b) Notwithstanding the provisions of subdivision (a) of this subsection, such agreements may be made irrevocable as to the first three thousand dollars of the funds paid under the agreement by each depositor.

(c) Any interest or dividends accruing to an irrevocable trust fund may be made irrevocable.

(d) Any depositor who makes an irrevocable agreement pursuant to this section may designate a different beneficiary at any time prior to death, after written notice to the current beneficiary.

(e) Nothing in this section shall prevent the sale and delivery of cemetery lots, graves, crypts, niches, columbaria or grave or lot markers or monuments before their use is rquired, or prepayment of cremation and interment fees.

(2) All such trust funds shall be deposited with a bank or trust company within the state whose deposits are insured by the Federal Deposit Insurance Corporation or invested in a savings and loan association within the state whose shares are insured by the Federal Savings and Loan Insurance Corporation and shall be held in a separate account in the name of the depositor in trust for the beneficiary until the trust fund is released under either of the conditions provided in ~~subsection (1)~~ subdivision (1) (a) of this section. In the event of the death of the depositor before the death of the potential

decedent, title to such funds shall vest in the potential decedent, and the funds shall be used for the personal property and services to be furnished under the contract for the funeral of the potential decedent. The depositor shall be furnished with a copy of the receipts, certificates, or other appropriate documentary evidence showing that the funds have been deposited or invested in accordance with this section. The depositor or the beneficiary shall furnish the bank, trust company, or savings and loan association with a copy of the contract. Upon receipt of a certified copy of the certificate of death of the potential decedent, together with the written statement of the beneficiary that the agreement was complied with, the bank, trust company, or savings and loan association shall release such trust funds to the beneficiary.".

3. On page 4, line 1, after "original" insert "section 71-1342, Reissue Revised Statutes of Nebraska, 1943, and"; and in line 2 strike "is" and insert "are".

4. Renumber original section 3 as section 4.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 428 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike original section 1.

2. On page 3, line 11, after "petition" insert "shall be verified and"; in line 12, strike "3" and insert "2"; in line 14, strike "is unable" and insert "lacks sufficient understanding" and strike the comma and insert "or"; in line 15, strike ", or carry out"; in line 20, after "choice" insert "or has indicated a desire for an attorney of his or her own choice"; in line 23, after the period insert "(c)" and start a new paragraph; reinstate the stricken matter beginning with "The" in line 23 through the period in line 27; in line 25, after "his" insert "or her"; and in line 27, after "appointed" insert "pursuant to section 2 of this act and section 30-2624".

3. On page 4, line 6, strike "c" and insert "d" and reinstate "is"; in line 7, reinstate "entitled to" and strike "shall"; strike beginning with "certified" in line 8 through "by" in line 9; in line 9, after "attorney" insert "certifies that it is not in the best interest of the person to be present"; reinstate the stricken matter in lines 12 and 13; in line 13, strike "a"; in line 14, strike "3" and insert "2"; and after "act" insert "and section 30-2624"; in line 15, after "hearing" insert "only"; in line 24, strike "and"; in line 25, after "person" insert ", and other persons

and agencies that may provide relevant information"; and in line 27 after "and" insert ", if any change of residence is anticipated,".

4. On page 6, in lines 22 and 25, strike "3" and insert "2".

5. On page 7, reinstate the stricken matter and strike the new matter in lines 12, 13, 16 through 22, 24, and 25; in line 14, reinstate "satisfied" and strike "deduces from" and insert "by"; in line 23 reinstate "person of the"; and in line 25 after the period insert: "The court may, at the time of appointment or later, specify the authorities and responsibilities which the guardian and ward, acting together or singly, shall have with regard to:

(1) Selecting the ward's place of abode within or without this state;

(2) Arranging for medical care for the ward;

(3) Protecting the personal effects of the ward;

(4) Giving necessary consent, approval, or releases on behalf of the ward;

(5) Arranging for training, education, or other habilitating services appropriate for the ward;

(6) Applying for private or governmental benefits to which the ward may be entitled;

(7) Instituting proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform such duty, if no conservator has been appointed;

(8) Entering into contractual arrangements on behalf of the ward, if no conservator has been appointed; and

(9) Receiving money and tangible property deliverable to the ward and applying such money and property to the ward's expenses for room and board, medical care, personal effects, training, education, and habilitating services, if no conservator has been appointed, or requesting the conservator to expend the ward's estate by payment to third persons to meet such expenses.

If the court does specify such authorities and responsibilities, the specifications shall be endorsed upon the letters of appointment of the guardian, and shall be treated as specific limitations upon the general powers, rights, and duties accorded by law to the guardian.".

6. Strike section 8.

7. On page 9, line 8, after "litem" insert ", physician,"; in line 10, strike "shall" and insert "may"; in line 12, after "brought" insert "or by the petitioner as costs of the action"; strike beginning with "is" in line 16 through "is" in line 17, show as stricken, and insert "shall be"; in line 17, reinstate "law,"; in line

19, after the comma insert “gerontology,” and strike “is” and insert “~~is~~ shall be”; in line 22 strike “competent” and insert “qualified”; and strike beginning with “anyone” in line 24 through “by” in line 25 and insert “employee, or any spouse of an owner, part owner, manager, administrator, or employee of”.

8. On page 11, after line 16, insert the following new subsection:

“(c) In addition to notifying him or her of the filing of the petition and the time and place of the hearing on the petition, the notice required to be served upon the allegedly incapacitated person shall list the following rights of the person:

(1) The right to have a visitor appointed;

(2) The right to be present at the hearing on the petition for appointment of a guardian;

(3) The right to present evidence in his or her own behalf; and

(4) The right to request that the power of the guardian, if appointed, be limited by the court.

The court may require that the notice contain such other matters as the court may deem appropriate.”; in line 24 after the underscored comma insert “or any”; and in line 25 strike “anyone employed by”, show as stricken, and insert “employee, or any spouse of an owner, part owner, manager, administrator, or employee of”.

9. On page 12, line 9, strike “on a daily basis”.

10. On page 14, line 18, strike beginning with the first comma through “well-being”; and strike beginning with “If” in line 25 through “such” in line 27.

11. On page 15, line 1, strike “an order.”; in line 2, after “be” insert “returned to the ward or”; in line 3, after “and” insert “may”; and in line 5, strike “assignment” and insert “appointment” and strike “guardianship” and insert “a guardian”.

12. On page 18, line 1, strike “30-2601,”.

13. Renumber remaining sections accordingly.

14. In the title, line 2, strike “30-2601,”; and in line 6 strike “to define and redefine terms;”.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

Req. #2571

1. Insert the following new section:

“Sec. 2. That section 48-646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-646. No individual claiming benefits shall be charged fees of any kind in any proceeding under sections 48-601 to 48-668 except as provided herein. Any individual claiming benefits in any proceeding before the commissioner or an appeal tribunal or his, her, or its representative or a court may be represented by counsel, any ~~or~~ other duly authorized agent, or a person of his or or choice, and such counsel may either charge or receive for such services a reasonable fee to be approved by the commissioner. The commissioner may, in special cases, pay such fee from the Employment Security Administration Fund. Any person who violates any provision of this section shall be guilty of a Class II misdemeanor.".

2. Strike Standing Committee amendments 2 and 3 and strike Enrollment and Review amendment 2.

3. On page 7, line 4, strike "48-635" and insert "48-646".

4. In the title, line 2, strike "48-635" and insert "48-646"; and in line 7 after the first semicolon insert "to allow claimants to be represented as prescribed;".

Mr. Warner asked unanimous consent to print the following amendment to LB 192 in the Journal. No objections. So ordered.

Req. #2541

1. On page 3, strike lines 23 through 27.

2. On page 4, strike lines 1 through 7.

3. Strike original section 5 and insert the following new section:

"Sec. 5. Fees and expenses awarded by a federal court or pursuant to sections 1 to 4 of this act shall be paid from available funds in the State Civil Action Expense Fund, which is hereby created. Claims for payment from this fund shall be filed, in writing, with the State Claims Board. The board shall report each such claim to the chairperson of the appropriate committee of the Legislature at the next regular session of the Legislature convening after the filing of the claim. Such committee shall investigate each such claim and make a recommendation on the claim to the Committee on Appropriations of the Legislature. Funding for such claims shall be appropriated to the State Civil Action Expense Fund in a separate budget program through a single appropriations bill which specifies the amount awarded to each eligible claimant. Such appropriation shall be made from the General Fund or from any other fund, not otherwise appropriated, specified by the Legislature.".

Mr. Vickers asked unanimous consent to print the following amendment to LB 192 in the Journal. No objections. So ordered.

Amendment to the Warner amendment:

1. Line 10, following "writing", insert "by the agency".

2. Line 22 and 23 strike "or from any other fund," and insert: "; provided, if the court has found that an agency has acted in bad faith in initiating an action deemed frivolous or without merit, then such appropriation shall be from any available agency fund to the extent such fund is"

3. Line 23, following "appropriated," insert "as".

Mr. Warner asked unanimous consent to print the following amendment to LB 448 in the Journal. No objections. So ordered.

PURPOSE: To provide for application of the one year phasedown provision of the Nebraska sunset law to state agencies, boards and commissions scheduled to terminate on July 1, 1983, as was afforded all other state agencies, boards, and commissions subjected to the sunset review process.

Req. #2561

1. Insert a new section as follows:

"Sec. 8. That section 81-1,105, Revised Statutes Supplement, 1980, be amended to read as follows:

81-1,105. Sections 81-192 to 81-198, 81-1,100 to 81-1,104, and 81-1,106 to 81-1,108 ~~81-1,105~~ shall terminate on July 2, 1983, and sections 81-199 and 81-1,105 shall terminate on July 2, 1984, and each section shall be repealed in its entirety along with all amendments, unless reenacted or reestablished by the Legislature.".

2. On page 12, line 15, after "71-133" insert "and 81-1,105".

3. Renumber remaining sections accordingly.

4. In the E and R amendments on page 388 of the Journal, in amendment 7 in lines 2 and 3 strike "lines 13 and 15" and insert "line 13"; and in amendment 8 in lines 2 and 3 strike beginning with "sections" through "section".

5. In the title, line 5, after "71-133" insert "and 81-1,105"; and in line 15 after the semicolon insert "to change a termination date;".

REFERENCE COMMITTEE REPORT

Governor's Appointments - Reference

Business and Labor
Dean G. Kratz - Comm. of Industrial Relations
Jeffrey L. Orr - Comm. of Industrial Relations

(Signed) Howard Lamb, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 642	Monday, February 8, 1982	1:30 p.m.
LB 797	Monday, February 8, 1982	1:30 p.m.
LB 895	Monday, February 8, 1982	1:30 p.m.
LB 641	Tuesday, February 9, 1982	1:30 p.m.
LB 651	Tuesday, February 9, 1982	1:30 p.m.
LB 653	Tuesday, February 9, 1982	1:30 p.m.
LB 710	Tuesday, February 9, 1982	1:30 p.m.
LB 896	Tuesday, February 16, 1982	1:30 p.m.
LB 929	Tuesday, February 16, 1982	1:30 p.m.
LB 946	Tuesday, February 16, 1982	1:30 p.m.
LB 736	Monday, February 22, 1982	1:30 p.m.
LB 891	Monday, February 22, 1982	1:30 p.m.
LB 892	Monday, February 22, 1982	1:30 p.m.

(Signed) Jerry Koch, Chairperson

MOTION - Place LB 657 on General File

Mr. Nichol moved LB 657 be placed on General File notwithstanding the action of the Committee.

Laid over.

SELECT FILE

LEGISLATIVE BILL 421. E & R amendment found in the Journal on page 338 for the Tenth Day was adopted.

Mr. Dworak asked unanimous consent to withdraw his pending amendment found in the Journal on page 244. No objections. So ordered.

Mr. Cullan offered the following amendment:

Add a new section to read as follows:

"The Department of Health shall adopt rules and regulations to implement all provisions of this act."

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Sieck requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 8 nays, 6 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 359 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2526.)

NOTICE OF COMMITTEE HEARING
Public Works

LR 202 Friday, February 26, 1982 9:00 a.m.

(Signed) Maurice Kremer, Chairperson

VISITORS

Visitors to the Chamber were Walt Mruz, Herbert Heywood, and Clarence Mayhew from the Dodge County Board of Supervisors; 75 fourth grade students, teacher, and sponsors from Zeman Public School, Lincoln; 9 adults from Coleridge; Karla Radcliff, Cindy Bullock, Mike Milder, II; and Vernon Allan of Scottsbluff.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Kremer, the Legislature adjourned until 9:00 a.m., Friday, January 29, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 29, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Walter L. Walker, Maranatha Ministries, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Cullan, Dworak, Hoagland, Kremer, and Mrs. Higgins who were excused; and Messrs. Burrows, Chambers, Goodrich, V. Johnson, Newell, Mesdames Labedz, Pirsch, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 183. Indefinitely postponed.
LEGISLATIVE BILL 380. Indefinitely postponed.
LEGISLATIVE BILL 442. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.
LEGISLATIVE BILL 510. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 533. Indefinitely postponed.
LEGISLATIVE BILL 635. Indefinitely postponed.
LEGISLATIVE BILL 667. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 834	Monday, February 8, 1982	1:30 p.m.
LB 863	Monday, February 8, 1982	1:30 p.m.
LB 884	Tuesday, February 9, 1982	1:30 p.m.
LB 830	Tuesday, February 16, 1982	1:30 p.m.
LB 906	Tuesday, February 16, 1982	1:30 p.m.
LB 924	Tuesday, February 16, 1982	1:30 p.m.
LB 456	Thursday, February 18, 1982	7:00 p.m.
LB 880	Thursday, February 18, 1982	7:00 p.m.
LB 925	Monday, February 22, 1982	1:30 p.m.
LB 927	Monday, February 22, 1982	1:30 p.m.
LB 853	Tuesday, February 23, 1982	1:30 p.m.
LB 920	Tuesday, February 23, 1982	1:30 p.m.
LB 923	Tuesday, February 23, 1982	1:30 p.m.
LB 926	Tuesday, February 23, 1982	1:30 p.m.

(Signed) Samuel K. Cullan, Chairperson

Banking, Commerce and Insurance

LB 918	Tuesday, February 16, 1982 (cancel)	1:30 p.m.
LB 918	Monday, February 22, 1982 (reset)	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 858 in the Journal. No objections. So ordered.

1. On page 3, line 12, strike the second "and"; in line 15, strike the period and insert "; and"; and after line 15, insert "(11) Pitting shall mean to set in a pit to fight.".

2. On page 5, line 6, after "another" insert "domestic animal".

ATTORNEY GENERAL'S OPINION

Opinion No. 183
January 26, 1982

Dear Senator Sieck:

This is in response to your inquiry pertaining to whether the "ten percent surcharge" referred to throughout LB 818 is a "fine or penalty" within the meaning of Article VII, Section 5 of the Nebraska Constitution.

The "surcharge" is properly regarded as a "penalty" and subject to the provisions of Article VII, Section 5 of the Nebraska Constitution.

Courts are prone to defining the term "penalty" with reference to the particular situation under consideration. Nevertheless, in Nebraska at least, if money exacted pursuant to law is punitive in character, and not remedial or compensatory, that money is a "penalty" as provided in Article VII, Section 5 of the Nebraska Constitution. School District of McCook v. City of McCook, 163 Neb. 817, 81 N.W.2d 224 (1957).

For example, in School District of Omaha v. Adams, 147 Neb. 1060, 26 N.W.2d 24 (1947), an action was brought by the school district to determine the correct apportionment and distribution of penalties collected pursuant to a statute imposing penalties in addition to interest for failure to list certain property for taxation purposes. In determining whether the penalties under the tax statute in question were "penalties" within the meaning of Article VII, Section 5 of the Nebraska Constitution, the court said:

> 'Penal laws, strictly and properly, are those imposing punishment for an offense committed against the state, and which, by the English and American constitutions, the executive of the state has the power to pardon. Statutes giving a private action against the wrongdoer are sometimes spoken of as penal in their nature but in such cases it has been pointed out that neither the liability imposed nor the remedy given is strictly penal.' Huntington v. Attrill, 146 U.S. 657, 13 S.Ct. 224, 227, 36 L.Ed. 1123. . . The distinction between a remedial and penal statute necessarily lies in the fact that the latter is prosecuted for the sole purpose of punishment, and to deter others from offending in like manner. The remedial statute, of course, is for the purpose of adjusting the rights of the parties as between themselves in respect to the wrong alleged. This court appears to have held that the constitutional provision here in question has no reference to those damages, whether limited in the amount recoverable or not, which a private person may sustain, but

> applies solely to such as are given to the public and go into the public treasury. Graham v. Kibble, 9 Neb. 182, 2 N.W. 455.

In addition, as the court said in Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960):

> A statute which imposes a liability for actual damages and in addition thereto a penalty to be paid to the injured party is repugnant to Article VII, Section 5 of the Constitution, which requires all fines and penalties arising under the general laws to go exclusively to the school fund. A statute which imposes liability for actual damages and additional liability for the same act provides a penalty.

Applying the reasoning in both Adams and Abel, supra, to your question here, it would seem that the "surcharge" imposed by LB 818 is a "penalty" within the meaning of Article VII, Section 5 of the Nebraska Constitution for a number of reasons.

First, the surcharge is not applied to damages actually suffered by defendant's victim, but is instead placed in the public treasury (the Victim's Compensation Fund). Furthermore, the ten percent surcharge is in addition to actual damages suffered by defendant's victim. And, because it is a fundamental rule in this state that punitive, vindictive, or exemplary damages are not allowed (Miller v. Kingsley, 194 Neb. 123, 230 N.W. 472 (1975)), the only definition of "surcharge" as found in LB 818 which would allow that term to be given effect would be that it refers to a "penalty." This conclusion is further supported by the fact that the surcharge is imposed as part of the sentence by a court pursuant to its criminal jurisdiction.

The ten percent surcharge imposed by LB 818 is not remedial. It is punitive in nature: a "penalty" within the meaning of Nebraska Constitution Article VII, Section 5.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 590. Placed on General File.
LEGISLATIVE BILL 705. Placed on General File.
LEGISLATIVE BILL 718. Placed on General File.
LEGISLATIVE BILL 719. Placed on General File.

LEGISLATIVE BILL 724. Placed on General File.

LEGISLATIVE BILL 677. Placed on General File as amended.
Standing Committee amendment to LB 677:

1. On page 2, line 4, strike "(1)" and show as stricken; in line 12 after "court" insert ", except that this shall not prevent service of special summons on a talesman by the sheriff of the county or by such other person as may be designated by the judge or judges"; and strike lines 13 through 19 and show the old matter as stricken.

LEGISLATIVE BILL 722. Placed on General File as amended.
Standing Committee amendments to LB 722:

1. On page 4, line 26, strike the first comma and show as stricken and strike "48-187,".
2. On page 5, strike lines 4 through 11 and show the old matter as stricken; in line 12, strike "(3)" and insert "(2)"; in line 13, strike the first comma and show as stricken and strike "48-187,"; and in line 22 strike "(4)" and insert "(3)".
3. On page 6, line 1, strike "(5)" and insert "(4)"; and in line 17, strike "(6)" and insert "(5)".

(Signed) William E. Nichol, Chairperson

GENERAL FILE

LEGISLATIVE BILL 127. Considered.

Mr. Sieck renewed his pending amendment, Req. #2537, found in the Journal on page 382 and considered on page 449.

Mr. Sieck moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Beutler
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Fowler
Goll
Hefner
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Newell
Nichol
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 14:

Apking
Barrett
Beyer
Fenger
Haberman
Johnson, L.
Marsh
Marvel
Peterson, H.
Pirsch
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 9:

Burrows
Carsten
Cullan
Dworak
Goodrich
Higgins
Hoagland
Kremer
Labedz

The Sieck amendment was adopted with 25 ayes, 14 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to pass over LB 127.

Mr. Sieck objected.

Mr. Haberman moved to pass over LB 127.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman asked unanimous consent to withdraw his motion to pass over LB 127. No objections. So ordered.

Mr. Haberman offered the following amendment:

1. Insert the following new section:

“Sec. 16. No expense for developing or maintaining the survey record repository shall be paid for by funds from the General Fund. The fees for records, searches, and other services related to the respository's files shall be set so that all costs of the survey record repository are paid by the persons requesting such records, searches, or other services.”.

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Clark renewed his pending amendment found in the Journal on page 450.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Sieck moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 22 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Chambers
Chronister
Clark
Cope
DeCamp
Fowler
Goll
Hefner
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Marvel
Newell
Peterson, H.
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 12:

Apking
Barrett
Beyer
Duda
Fenger
Haberman
Johnson, L.
Lamb
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 2:

Peterson, R.
Pirsch

Excused and not voting, 10:

Burrows
Carsten
Cullan
Dworak
Goodrich
Higgins
Hoagland
Kremer
Labedz
Nichol

Advanced to E & R for Review with 25 ayes, 12 nays, 2 present and not voting, and 10 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 127A. Title read. Considered.

Mr. Sieck asked unanimous consent to withdraw his pending amendment found in the Journal on page 383. No objections. So ordered.

Mr. Sieck moved to indefinitely postpone LB 127A.

The motion lost with 11 ayes, 18 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Sieck asked unanimous consent to pass over LB 127A.

Mr. Haberman objected.

Mr. Sieck offered the following amendment:
Strike 36880 from the General Fund.

The amendment was adopted with 27 ayes, 2 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Haberman and Sieck asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 659. Placed on General File.
LEGISLATIVE BILL 764. Placed on General File.

(Signed) William E. Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 126 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments, Req 2160)

1. On page 5, after line 11 insert:

"Prior to allowing the use of the shoplifted property as provided in this section, legal counsel for the alleged shoplifter shall have a reasonable opportunity to inspect and appraise the property and may file a motion for retention of the property which motion shall be granted if there is any reasonable basis for believing that the photographs and accompanying affidavit may be misleading.".

ATTORNEY GENERAL'S OPINION

Opinion No. 184
January 28, 1982

Dear Senator Kahle:

In your letter of January 15, 1982, you call our attention to the provisions of Neb.Rev.Stat. §23-146 (Reissue 1977) which limits a county officer's interest in contracts executed by the county and to Opinion No. 63 found in the Reports of the Attorney General for the years 1969 - 1970 at page 97, and ask certain questions concerning the pecuniary interest referred to therein.

We further understand that it is your intention to consider legislation to help clarify this matter depending upon the response you receive from this office to your inquiry. You first ask what factor or factors determine how much of the contract price results in a pecuniary interest or benefit to the county official. It is extremely difficult to define with certainty the phrase "pecuniary interest" however generally speaking such an interest is a personal or private one and not such an interest as the public officer has in common with all other citizens and it is generally an interest which is immediate, definite and capable of demonstration as opposed to being remote, uncertain, contingent or speculative. See generally, 67 C.J.S. Officers, §204.

You also ask the significance of any relationship which may exist between the county official in question and his employees, partners, stockholders and others. Here again it is extremely difficult to delineate with certainty the type of relationship which would result in a pecuniary interest but generally speaking a benefit to one partner or stockholder would result in the benefit to all others and of course situations can be envisioned in which an agent or employee of a county official could benefit which would indirectly benefit the county official. For example, an employee or agent could be compensated through the county business in lieu of a salary being paid him by the county official resulting in an indirect pecuniary interest to that county official.

You also inquire as to whether or not pecuniary interest resulting to family members are attributable to the officer and we would suggest that in most circumstances they would be. Here again it is extremely difficult to generalize inasmuch as each particular situation has to be evaluated on a case-by-case basis.

We are appreciative of the fact that you may wish to clarify what is meant by pecuniary interest and attempt to define those relationships which would result in an impermissible pecuniary interest, however we believe that it would be extremely difficult to itemize in statutory language a list of such factors, relationships or circumstances. While it appears extremely difficult to generalize in this area, it is usually possible when exmining a particular set of facts to render a legal judgment as to whether or not such an arrangement would be impermissible under the statute. Therefore it may be that county officials would benefit from presenting such potential factual circumstances to their county attorney in advance of taking any action in an attempt to obtain from him his best judgment as to the acceptability of those particular facts.

We are sorry that we could not be of more specific assistance to you in responding to your inquiry but hope that the information we have provided is of some general value.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 28, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Alexander, Hugh - Lincoln, (Withdrawn 1-26-82), First Greatwest Corporation
Becerra, Gary - Omaha, Omaha Police Union Local 101
Ernce, George - Omaha, Omaha Police Union Local 101
Fulton, Jack A. - Denver, CO, Great Western Sugar Co.
Jernigan, Wallace - Omaha, Omaha Police Union Local 101
Kelley, Michael A. - Omaha, (withdrawn 1-27-82), Omaha Building & Construction Trades Council
Knudsen, Berkheimer, Richardson, & Endacott:
  Ruth, Larry L. - Lincoln, Great Western Sugar Company

Mehmken, Roy E. - Lincoln, Alliance of American Insurers; Citizens Against the Wheel Tax
O'Hara, Paul V. - Lincoln, (withdrawn 5-31-81), First National Lincoln
Ryan, James E. - Lincoln, (withdrawn 12-31-81), Transystems, Inc.
Sandman, Roger L. - Lincoln, The Tobacco Institute
Sawyer, Russell E., Jr. - Omaha, (withdrawn 6-16-81), Republican Party Central Committee of Douglas County, Nebraska
Scarpello, Sam M. - Omaha, Nebraska State Electrical Council
Sharpe, Roger S. - Omaha, American Geothermal Energy Associates, Inc.
Shroder, John F., Jr. - Omaha, American Geothermal Energy Associates, Inc.
Squire, DeCourcy - Lincoln, Nebraskans Against the Death Penalty
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, First Class Police Officers Association; Posk Producers for Sensible Legislation
Welch, Jay L. - Omaha, Nebraska Auto & Truck Salvage, Inc.
Wylie, William M. - Elgin, (withdrawn 5-30-81), Prudential - S. F. Kulheim

SELECT FILE

MR. CLARK PRESIDING

LEGISLATIVE BILL 572. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 139. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 139A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 263. E & R amendments found in the Journal on page 390 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 370. E & R amendments found in the Journal on page 390 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 198. E & R amendments, Req. #2529, found in the Journal on page 311 for the Ninth Day were adopted.

Mr. Warner asked unanimous consent to withdraw his pending amendments found in the Journal on pages 143 and 441. No objections. So ordered.

Mr. Warner offered the following amendment:
Req. #2588

1. In the standing committee amendments, White Copy req. 2097, on page 1, strike lines 15 through 23, and insert the following new subsection:

"(3) (a) Any retail customer whose principal residence is being served by a public power district and whose principal residence is not in the chartered territory of such district may request the district in writing prior to the certification date for such district, as such date is provided in section 70-611, for the right for each registered voter residing at such residence to vote for, and be eligible to hold office as a member of, the board of directors of such district. The secretary of the district shall cause notice to be given to each such retail customer which reasonably prescribes the manner in which the retail customer may request such right to vote. The notice shall be given by first-class mail and may be included as part of the regular billing statement mailed to a customer, if such billing statement is mailed by first class to such retail customer, however such mail shall be conspicuously marked as to its importance. Such notice shall be given at least sixty days prior to the time the election certification and publication information is transmitted to the Secretary of State pursuant to section 70-611. The district shall certify to the Secretary of State the names of all such retail customers for whom such request to vote has been made along with identification of the voting or election precincts wherein such retail customers reside, and each such retail customer shall be a qualified elector and qualified to hold office as a member of the board of directors, if otherwise qualified to vote.

(b) For 1982 only, the provisions of this subsection shall not apply to any district whose certification date, as such date is provided in section 70-611, has already passed as of the effective date of this act.".

2. Insert new sections as follows:

"Sec. 4. That section 70-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-619. The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors unless he or she shall be an elector of such chartered area or, if such chartered area be subdivided for election purposes as provided in sections 70-610 to

70-618, of the subdivision of which he or she shall be an elector, or of one of the municipalities from which directors are to be elected at large as provided in section 70-612, or a retail customer duly certified in accordance with subsection (3) of section 70-604.03. No person who acquires any interest in any pension plan, retirement plan, or similar plan or contract of any district shall be eligible to hold office as a member of the board of directors. No person shall be qualified to be a member of more than one such district board, except that a director of a rural public power district may serve as a director of another public power district formed or organized for the purpose of generating electric energy or transmitting electric energy exclusively for resale to some other public power districts, rural electric cooperatives, and membership associations or municipalities. No member of a governing body of any one of the municipalities within the areas of the district shall be qualified to serve on the original board of directors under the provisions of sections 70-603 to 70-609.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 2, line 25, strike "section 70-604.03" and insert "sections 70-604.03 and 70-619".

4. In the title, line 2, strike "section 70-604.03" and insert "sections 70-604.03 and 70-619".

5. In the E and R amendments, on page 6, line 14, strike "4" and insert "5".

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 592. Mr. Lamb asked unanimous consent to withdraw his pending amendment found in the Journal on page 251. No objections. So ordered.

Mr. Lamb renewed his pending amendment found in the Journal on page 443.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. V. Johnson offered the following Hoagland amendment:
Req. #2497

1. Insert a new section as follows:

"Section 1. That section 83-466, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-466. Whenever a boy of sane mind, and less than eighteen years old, is growing up in ~~mendicancy or~~ crime because of a want of proper parental care or other cause, and a complaint therefor has been filed in a court of record in this state, the court may enter an order committing the boy to the Youth Development Center-Kearney, if in its opinion the accused is a proper subject therefor; and a copy of the order under the usual seal of the court shall be a sufficient warrant for delivering the boy to the school and committing him or her to the custody of the superintendent.".

2. On page 2, line 1, after "That" insert "original section 83-466, Reissue Revised Statutes of Nebraska, 1943, and also".

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducer

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 782. No objections. So ordered.

ANNOUNCEMENT

Speaker Marvel announced that LB 440 and LB 364 be set on Special Order February 2, 1982. LB 440 has a 30 minute limit.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 778. Placed on General File.

LEGISLATIVE BILL 779. Placed on General File as amended.
Standing Committee amendment to LB 779:

1. On page 2, line 15, after "surplus," insert "undivided profits, capital reserves,".

(Signed) John W. DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 511. E & R amendments found in the Journal on page 349 for the Tenth Day were adopted.

Mr. Lamb renewed his pending amendment found in the Journal on page 398.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 192. E & R amendments found in the Journal on page 350 for the Tenth Day were adopted.

Mr. Warner renewed his pending amendment, Req. #2541, found in the Journal on page 461.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 462. No objections. So ordered.

Mr. Warner offered the following amendment to his amendment:
1. Line 10, after "writing", insert "by the agency".
2. Line 24, after "Legislature", insert
"except that payment for fees and awards in cases where the
court has found that an agency has acted in bad faith in
initiating an action deemed by the court to be frivolous or
without merit shall be made by the agency involved to the
extent such funds are not otherwise appropriated, as
specified by the Legislature".

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

The Warner amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 231. E & R amendment found in the Journal on page 350 for the Tenth Day was approved.

Mr. Fowler offered the following amendment:
Req. #2590

1. Strike the original sections and insert the following new sections:

"Section 1. Section 2 of this act shall apply to counties in which a county board of corrections has been established pursuant to section 23-2802. The county board of corrections shall be responsible for the implementation of section 2 of this act in the county in which it serves.

Sec. 2. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each twenty-one consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations and, if required to perform labor, during which he or she has faithfully performed his or her assigned duties. The reductions authorized by this section shall be granted at the end of each period of twenty-one days, with such periods to run consecutively from the date of confinement following sentencing.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Strike the standing committee amendments.

3. In the title, strike beginning with "to" in line 2 through the second coma in line 3; and strike beginning with "and" in line 6 through "sections" in line 7 and insert "to provide for implementation; and to declare an emergency".

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 69. E & R amendments found in the Journal on page 350 for the Tenth Day were adopted.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment found in the Journal on page 369. No objections. So ordered.

Mrs. Marsh renewed her pending amendment found in the Journal on page 396.

Mrs. Marsh requested a division of the question on her amendment.

The Chair sustained the division.

The Marsh amendment 1 found on page 396 was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The Marsh amendment 2 found on page 396 was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 239. E & R amendments found in the Journal on page 350 for the Tenth Day were adopted.

Mr. Vickers asked unanimous consent to withdraw the Vickers-Koch pending amendment found in the Journal on page 432. No objections. So ordered.

Mr. Vickers renewed his pending amendment found in the Journal on page 443.

The amendment was adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

1. On page 4, line 15, strike "(b) Make" and insert "(2) Each hospital within the state shall make" and strike "board" and insert "department"; in line 17 strike "board" and insert "department"; and in line 21 strike "(2)" and insert "(3)" and after "produced" insert "pursuant to subsection (1) of this section".

2. In the Standing Committee amendments, on page 2, line 10, strike "strike lines 15 through 20;"; strike beginning with the second "strike" in line 11 through the third "and" in line 12 and insert "after 'and' insert'"; and in line 15 strike " 'or requested" and insert

quotation marks.

RESOLUTION

LEGISLATIVE RESOLUTION 210.

Introduced by Newell, 13th District; Chambers, 11th District; Wiitala, 31st District; Beutler, 28th District; V. Johnson, 8th District; Rumery, 42nd District; Landis, 46th District; Labedz, 5th District; Koch, 12th District; Marsh, 29th District; Burrows, 30th District.

WHEREAS, the right to vote and participate in our political process is one of our nation's most cherished freedoms; and

WHEREAS, every citizen must have confidence that his right to vote and participate in our nation's political process will be protected; and

WHEREAS, the provisions of the current Voting Rights Act of 1965 has provided guarantees and protections against discriminatory policies that serve to prohibit minorities from participating in our nation's political process; and

WHEREAS, the provisions of the current Voting Rights Act of 1965 will expire in August, 1982; and

WHEREAS, the protections provided by the current Voting Rights Act of 1965 has given confidence to minority citizens that their voice will always be heard through our nation's political process;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports extension of the current Voting Rights Act of 1965.
2. That the Legislature informs our congressional delegation of our support for extension of the current Voting Rights Act of 1965.
3. That the Legislature encourages our congressional delegation to support extension of the current Voting Rights Act of 1965.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 585. Indefinitely postponed.

LEGISLATIVE BILL 662. Placed on General File.
LEGISLATIVE BILL 729. Placed on General File.

(Signed) Martin Kahle, Chairperson

Appropriations

LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 699. Indefinitely postponed.
LEGISLATIVE BILL 758. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

SELECT FILE

LEGISLATIVE BILL 448. E & R amendments found in the Journal on page 388 for the Eleventh Day were adopted.

Mr. Warner renewed his pending amendment, Req. #2561, found in the Journal on page 462.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 6, line 21, after "surgery" insert "and osteopathy".
2. On page 10, line 23, strike "State Board" and insert "Department".
3. In the E and R amendments on page 388 of the Journal, in amendment 3, line 2, strike "and osteopathy" and show as stricken; strike amendment 5; in amendment 7, line 6, after "71-162" insert ", 71-2610,"; and in amendment 8, line 4, after "71-162" insert ",71-2610,".
4. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449. E & R amendments found in the Journal on page 388 for the Eleventh Day were adopted.

Mr. Warner offered the following amendment:

1. On page 10, line 24, strike "State Board" and insert "Department".
2. In the E and R amendments on pages 388 and 389 of the Journal, strike amendment 3; in amendment 5, line 5, after "71-162" insert ", 71-2610,"; and in amendment 6, line 4, after "71-162" insert ", 71-2610,".
3. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 450. E & R amendments found in the Journal on page 389 for the Eleventh Day were adopted.

Mr. Warner offered the following amendment:

1. On page 10, line 17, strike "State Board" and insert "Department".

2. In the E and R amendments on page 389 of the Journal, strike amendments 3 and 4; in amendment 6, line 4, after "71-162" insert ", 71-2610,"; and in amendment 8, line 3, after "71-162" insert ", 71-2610,".

3. Renumber remaining sections accordingly.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 335. E & R amendment found in the Journal on page 390 for the Eleventh Day was adopted.

Mr. Landis asked unanimous consent to have LB 335 laid over. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tom Brown from Hershey; 25 students and counselor from Lexington; and 11 students and sponsors from across the state who serve on the 4-H Awareness Team.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:30 a.m., Monday, February 1, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 1, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 1, 1982

Pursuant to adjournment, the Legislature met at 9:31 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Carsten, Chambers, Haberman, Hoagland, V. Johnson, R. Peterson, Schmit, Warner, and Mrs. Apking who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 480, line 3, strike "approved" and insert "adopted".
The Journal for the Sixteenth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.

LEGISLATIVE BILL 669. Placed on General File as amended.
Standing Committee amendment to LB 669:
1. On page 2, line 9, after "commission" insert "and shall be responsible for calling the meetings of the commission, managing any funds appropriated to the commission, providing clerical support to the commission, and otherwise administering this act".

(Signed) Maurice A. Kremer, Chairperson

MOTION - Place LB 635 on General File

Mr. Kahle moved to place LB 635 on General File, notwithstanding the action of the Public Health and Welfare Committee.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572.

(Signed) Karen Kilgaren, Chairperson

Enrollment and Review Change to LB 542

The following change, now required to be reported to you for publication in the Journal, has been made to LB 542:

In the title, line 8, ''and'' has been inserted after the semicolon.

Enrollment and Review Change to LB 347

The following change, now required to be reported to you for publication in the Journal, has been made to LB 347:

In line 5 of the Beutler amendment to page 12, ''or'' has been changed to ''and'' to be consistent with his amendment to page 11.

Enrollment and Review Change to LB 309

The following change, now required to be reported to you for publication in the Journal, has been made to LB 309:

On page 4, line 1, the comma has been stricken.

Enrollment and Review Change to LB 492

The following title change, now required to be reported to you for publication in the Journal, has been made to LB 492:

In the title, line 4, insert ''and'' after the last semicolon.

(Signed) Emory P. Burnett
E & R Attorney

REPORT

Received Fifteenth Annual Report from the Nebraska State Board of Landscape Architects pursuant to 80-8,184 to 81-8,208.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 209.

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

J. Michael Jess - Director, Department of Water Resources
Duane W. Acklie - State Highway Commission

VOTE: For: Senators Beutler, Clark, DeCamp, Koch, Kremer, Wesely. Against: None. Absent: Senators Hoagland, Lamb.

(Signed) Maurice A. Kremer, Chairperson

MOTION - Withdraw LB 32A

Mr. Vickers renewed his pending motion found in the Journal on page 418 to withdraw LB 32A.

The motion prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

MOTION - Approve Appointments

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointments found in the Journal on page 438: Buck Balok, Director, Nebraska Energy Office; Max E. Kiburz and John Egging, Advisory Committee to Department of Economic Development.

Voting in the affirmative, 28:

Apking	Cope	Dworak	Hoagland	Labedz
Barrett	Cullan	Fenger	Kahle	Marvel
Beyer	DeCamp	Goll	Kilgarin	Newell
Chronister	Duda	Goodrich	Kremer	Peterson, R.

Rumery	Stoney	Von Minden	Wesely
Sieck	Vickers	Wagner	Wiitala

Voting in the negative, 0.

Present and not voting, 14:

Burrows	Hefner	Koch	Marsh	Pirsch
Clark	Higgins	Lamb	Nichol	Remmers
Fowler	Johnson, L.	Landis	Peterson, H.	

Excused and not voting, 7:

Beutler	Chambers	Johnson, V.	Warner
Carsten	Haberman	Schmit	

The appointments were confirmed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 387. Title read. Considered.

Mr. H. Peterson moved to return LB 387 to the Nebraska Retirement Systems Committee.

The motion lost with 14 ayes, 23 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 142. No objections. So ordered.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rumery moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Rumery requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Burrows	Goodrich	Kilgarin	Marsh	Rumery
Chambers	Higgins	Koch	Marvel	Sieck
Cullan	Hoagland	Labedz	Newell	Wagner
Fowler	Johnson, V.	Landis	Pirsch	Wesely

Wiitala

Voting in the negative, 26:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Vickers
Von Minden
Warner

Present and not voting, 2:

Beutler
Dworak

Failed to advance to E & R for Review with 21 ayes, 26 nays, and 2 present and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 782. Placed on General File as amended.
Standing Committee amendments to LB 782:
Req. #2592

1. Insert the following new section:

"Sec. 4. That section 23-1732, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1732. (1) All deputy sheriffs in active employment on January 1, 1970, in counties of three hundred thousand inhabitants or more and on January 1, 1973, in counties having a population of more than one hundred fifty thousand but less than three hundred thousand, and who shall have been such for more than two years immediately prior thereto, shall hold their positions without examinations until discharged, reduced, promoted, or transferred in accordance with the provisions of sections 23-1721 to 23-1737.

(2) All deputy sheriffs in active employment on January 1, 1975, in counties having a population of more than sixty thousand but not more than one hundred fifty thousand, and who shall have been deputy sheriffs for more than two years immediately prior thereto, or who

shall have been certified by the Nebraska Law Enforcement Training Center and who shall have received a certificate of completion shall hold their positions without examinations until discharged, reduced, promoted, or transferred in accordance with the provisions of sections 23-1721 to 23-1737.

(3) All deputy sheriffs in active employment on January 1, 1977, in counties having a population of forty thousand but not more than sixty thousand, and who shall have been deputy sheriffs for more than two years immediately prior thereto, or who shall have been certified by the Nebraska Law Enforcement Training Center and who shall have received a certificate of completion shall hold their positions without examinations until discharged, reduced, promoted, or transferred in accordance with the provisions of sections 23-1721 to 23-1737.

(4) All deputy sheriffs in active employment on January 1, 1982, in counties having a population of twenty-five thousand but not more than forty thousand, and who shall have been deputy sheriffs for more than two years immediately prior thereto, or who shall have been certified by the Nebraska Law Enforcement Training Center and who shall have received a certificate of completion shall hold their postions without examinations until discharged, reduced, promoted, or transferred in accordance with the provisions of sections 23-1721 to 23-1737.

~~(4)~~ (5) All deputy sheriffs who shall have been so employed for more than six months and less than two years on such date, shall be required to take qualifying examinations and all such deputy sheriffs who shall have been so employed for less than six months on such date, shall be required to take competitive examinations.".

2. On page 3, line 24, strike "and" and after the second comma insert "and 23-1732,".

3. Renumber original sections 4 and 5 as sections 5 and 6 respectively.

LEGISLATIVE BILL 639. Indefinitely postponed.
LEGISLATIVE BILL 711. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

Req. #2594

1. On page 9, line 16, after "mean" insert "(a)", in line 19 strike "(a)" and insert "~~(a)~~" (i)"; in line 20 strike "(b)" and insert "~~(b)~~ (ii)"; in line 21 strike "(c)" and insert "~~(c)~~ (iii)"; in line 22 strike "(d)" and insert "~~(d)~~ (iv)"; in line 24 strike "(e)" and insert "~~(e)~~ (v)" and after "abused" insert "and (b) knowingly, intentionally, or negligently causing or permitting a disabled person eighteen years of age or older, or a person sixty years of age or older to be: (i) Placed in a situation that endangers his or her life or physical health or, through a course of conduct creating duress or intimidation, causes him or her mental distress; (ii) cruelly confined or cruelly punished; (iii) deprived of necessary food, clothing, or shelter or deprived of any other care necessary to maintain physical health; or (iv) sexually abused".

2. In the standing committee amendments on page 1, strike beginning with "in" in line 10 through the semicolon in line 13.

Mr. Landis asked unanimous consent to print the following amendment to LB 707 in the Journal. No objections. So ordered.

1. On page 3, strike lines 6 through 10 and insert:

"(2) Community services shall mean any type of (a) educational, (b) employment, (c) human services, (d) medical services, (e) physical facility and neighborhood development services, or (g) recreational services or activities including, but not limited to, counseling and advice, emergency services, community, youth, and senior centers, in-home services, and home improvement services and programs furnished to individuals, families, or groups in a community development area;"; and strike lines 21 through 23 and insert:

"(7) Community development area shall mean any village, city, county, or part thereof which in comparison to statewide averages has a high incidence of one or more of the following social problems:

(a) Persistent unemployment or underemployment;
(b) Dependence upon public assistance;
(c) Overcrowded, unsanitary, or inadequate housing;
(d) Crime and delinquency;
(e) Disease disability;
(f) Infant mortality;
(g) School dropouts or other evidence of low educational attainment;

(h) Lower than average per capita income base;
(i) Commercial disinvestment; or
(j) Other generally accepted indicators of widespread social problems or poverty conditions;".

NOTICE OF COMMITTEE HEARINGS
Business and Labor

Governor's Appointments
Jeffrey L. Orr, Wednesday, February 10, 1982 1:30 p.m.
Commission of Industrial Relations

Dean G. Kratz, Wednesday, February 24, 1982 1:30 p.m.
Commission of Industrial Relations

(Signed) Bill Barrett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 631. Title read. Considered.

Standing Committee amendments found in the Journal on page 418 for the Thirteenth Day were adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chronister and Mrs. Higgins asked unanimous consent to have their names added as co-introducers to LB 882. No objections. So ordered.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 604. Placed on General File.

LEGISLATIVE BILL 604A. Placed on General File as amended.
Standing Committee amendment to LB 604A:
1. Strike Section 1 and renumber original Sections 2 and 3 and Sections 1 and 2.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 435. Placed on Select File as amended.
E & R amendments to LB 435:

1. On page 4, line 20, insert an underscored comma after "village".

2. On page 6, line 14, strike "days" and insert "days'".

3. On page 7, line 15, insert an underscored comma after "safe".

4. On page 13, line 1, strike "or".

5. On page 13, lines 25 and 26, strike "Reissue Revised Statutes of Nebraska, 1943," and insert "Revised Statutes Supplement, 1981,"; strike the stricken matter and remove underscoring on page 14, lines 6, 21, 24, and 25, page 15, line 10, page 16, line 3, "chairperson" in line 4, and line 26, and page 17, lines 1 and 12; on page 15, line 9, strike "where" and insert "when"; on page 17, line 1, after "duties" insert "with mileage to be computed at the rate provided in section 23-1112 for county officers and employees"; and in line 9, strike "by-laws" and insert "~~by-laws~~ bylaws".

6. On page 20, line 9, insert an underscored comma after "trustees".

7. On page 21, line 16, strike "by-laws" and insert "~~by-laws~~ bylaws".

8. On page 22, insert an underscored comma after "works" in line 1, at the end of line 4, and after "hold" in line 24.

9. On page 23, line 9, strike the underscored comma; and in line 19, strike the second underscored comma.

10. On page 27, line 24, strike the comma.

11. On page 28, insert an underscored comma after "awards" in line 22 and "awarded" in line 27.

12. On page 50, line 15, strike the comma; and strike the comma at the end of line 18.

13. On page 64, line 26, strike "to 71-1524" and insert ", 71-1523".

14. On page 65, line 2, strike "and"; and in line 3, insert "and section 71-1524, Revised Statutes Supplement, 1981," after the second comma.

15. In the title, line 4, strike "to 71-1524" and insert ", 71-1523", in line 5, strike "71-1541," and in lines 5 and 6 strike "to 71-1545" and insert ", 71-1544"; in line 7, strike "and"; in line 8 strike "sections 71-1536 and 77-2704" and insert "section 71-1536"; in line 9, insert "and section 71-1524,

Revised Statutes Supplement, 1981," after the second comma; and in lines 19 and 20, strike "to provide a sales and use tax exemption;".

(Signed) Karen Kilgarin, Chairperson

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 212A. Title read. Considered.

Mr. V. Johnson offered the following amendment:
PURPOSE: To provide a fiscal year 1983-84 appropriation pursuant to new Rule 8, Section 5.
AMENDMENT:
On page 2, line 2, before "sixty-two" insert "(1)"; in line 3, after the last comma insert "and (2) seventy-two thousand dollars from the General Fund for the period July 1, 1983, to June 30, 1984,"; in line 8, strike "not" and insert "neither"; in line 9, after "dollars" insert "for the period July 1, 1982 to June 30, 1983, nor forty thousand dollars for the period July 1, 1983 to June 30, 1984".

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. V. Johnson requested a record vote of the advancement of the bill.

Voting in the affirmative, 26:

Burrows
Carsten
Chambers
Cope
Cullan
Dworak
Fowler
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Pirsch
Rumery
Sieck
Stoney
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Chronister
Clark
Fenger
Goll
Haberman
Johnson, L.
Lamb
Marvel
Peterson, H.
Peterson, R.
Remmers

Present and not voting, 11:

Apking
Barrett
Beutler
Beyer
DeCamp
Duda
Goodrich
Labedz
Nichol
Vickers
Von Minden

Excused and not voting, 1:

Schmit

Advanced to E & R for Review with 26 ayes, 11 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 115. Title read. Considered.

Standing Committee amendments found in the Journal on page 920 for the Forty-Third Day, First Session, were considered.

Mr. Barrett offered the following amendment to the Standing Committee amendments:

1. In the committee amendments, on page 1, line 4, strike "and"; and in line 5 before the period insert "; and in line 24 reinstate 'one hundred' and strike 'two hundred' and insert 'ninety'".

The amendment was adopted with 18 ayes, 0 nays, 30 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Barrett requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 31:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer

Marvel
Nichol
Peterson, R.
Remmers
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 14:

Chambers
Dworak
Fowler
Hefner
Higgins
Johnson, L.
Labedz
Landis
Marsh
Newell
Peterson, H.
Pirsch
Rumery
Vickers

Present and not voting, 1:

Lamb

Excused and not voting, 2:

DeCamp
Schmit

Absent and not voting, 1:

Goodrich

Standing Committee amendments, as amended, were adopted with 31 ayes, 14 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Advanced to E & R for Review with 26 ayes, 14 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 115A. Title read. Considered.

Mr. Fowler renewed his pending amendment found in the Journal on page 226.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 11 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 267 in the Journal. No objections. So ordered.

Select File Amendment to LB 267

Amend the second Peterson amendment found on page 391 of the Journal, line 2, following the word "cause", by inserting "arising from extraordinary circumstances being"

MOTION - Place LB 758 on General File

Mr. Fowler moved pursuant to Rule 3, Section 16, that LB 758 be placed on General File notwithstanding the action of the Appropriations Committee.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 211.

Introduced by Beutler, 28th District; Marsh, 29th District.

Designating the week beginning March 7th, 1982, as "Women's History Week".

WHEREAS, American women of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers, and pioneers, and

WHEREAS, American women have played and continue to play a critical economic, cultural, social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home, and

WHEREAS, American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable, philanthropic and cultural institutions in the country, and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial revolution, the industrial labor movement, and the modern civil rights movement, and

WHEREAS, despite these contributions, the role of American women in history has been often overlooked and undervalued in the body of American history,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week beginning March 7th, 1982, be proclaimed "Women's History Week" in Nebraska.
2. That the Governor is requested to issue a proclamation calling upon the people of Nebraska to observe such week with appropriate ceremonies and activities.

Laid over.

VISITORS

Visitors to the Chamber were fourth and fifth grade students and teachers from Belmont School, Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Von Minden, the Legislature adjourned until 9:00 a.m., Tuesday, February 2, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 2, 1982

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Rev. Gilbert Visser, Hope Reformed Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Wiitala who were excused; and Mesdames Apking, Marsh, Pirsch, Messrs. Beutler, Burrows, Chambers, Goll, Haberman, Hoagland, V. Johnson, Kremer, Lamb, Landis, Newell, Nichol, R. Peterson, Schmit, Sieck, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 801. Placed on General File as amended. Standing Committee amendments to LB 801:

1. On page 12, line 20, after "cent" insert "for weeks beginning prior to or on September 25, 1982, or five per cent for weeks beginning after September 25, 1982"; and in line 27, after "cent" insert "for weeks beginning prior to or on September 25, 1982, or six per cent for weeks beginning after September 25, 1982", and strike beginning with "and" through "that".

2. On page 13, in lines 1 to 8, strike the new matter.

(Signed) Bill Barrett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 702. Placed on General File as amended. Standing Committee amendments to LB 702:

1. On page 2, line 3, strike "Every" and insert "~~Every~~ For the period commencing on the effective date of this act through September 30, 1985, every"; in line 7, strike the new matter; reinstate the stricken matter beginning with "that" in line 7 through "dollars" in line 9; in line 12, after "~~sixteen~~" insert "and twenty-three"; reinstate beginning with the first "per" in line 12 through the period in line 13; and in line 13, after the period insert "On and after October 1, 1985, every licensee hereunder may make loans, not exceeding seven thousand dollars in principal amount, and may contract for and receive thereon charges at a rate not exceeding twenty-four per cent per annum on that part of the principal balance on any loan not in excess of one thousand dollars, eighteen per cent per annum on that part of the principal balance on any loan in excess of one thousand dollars and not in excess of five thousand dollars, and sixteen per cent per annum on any remainder of such unpaid principal balance. Any interest rate contracted for on or after the effective date of this act and prior to October 1, 1985, shall remain in effect and be enforceable on and after October 1, 1985.".

2. On page 9, line 26, after "to" insert "the lesser of" and after "the" insert "original"; and in line 27, strike "original" and after "loan" insert "or five hundred dollars".

3. On page 10, line 7, strike "No" and insert "~~No~~ For the period commencing on the effective date of this act through September 30, 1985, no"; and in line 13 after the stricken period insert "On and after October 1, 1985, no licensee shall directly or indirectly charge, contract for, or receive a greater rate of interest than the maximum rate permitted by section 45-101.03, 45-101.04, or 45-137, upon any loan, or upon any part or all of any aggregate indebtedness of the same person, in excess of seven thousand dollars.".

4. On page 12, line 1, after "contract" insert "precomputed pursuant to subsection (2) of section 45-137"; and in line 8 after "income" insert "or when the loan contract is not precomputed pursuant to subsection (2) of section 45-137".

(Signed) John W. DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 353, 417, 421, and 465.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 417

The following change, now required to be reported to you for publication in the Journal, has been made to LB 417:

In the E & R amendments, on page 1, line 4, "5" has been stricken; and the inserted section has been renumbered as section 1.

Enrollment and Review Changes to LB 421

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 421:

1. The new section added by the Cullan amendment has been inserted as section 9.
2. In the title, line 6, "to provide for rules and regulations;" has been inserted before "and".

Enrollment and Review Changes to LB 465

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 465:

1. In the second Pirsch amendment, the word "committee" has been stricken and "Pirsch" inserted, wherever it occurs.
2. In the first Pirsch amendment, page 3, line 12, and underscored period has been inserted after "duties".
3. Pursuant to the second Pirsch amendment, on page 3, line 7, of the first Pirsch amendment, the colon has been removed and in line 8 "(a) Intentionally" has been stricken, "intentionally" inserted, and paragraphing removed.
4. The Beutler amendment has been underscored and inserted before the period in line 3 of the Pirsch amendments 3 and 4 adopted 1/28.
5. In the E & R amendments, page 1, line 9, "to provide penalties;" has been inserted after the semicolon.
6. A semicolon has been added after "custody" in line 5 of the title.
7. In the Pirsch amendments, page 1, line 9, "4 to 8" has been stricken and "3 to 7" inserted.

(Signed) Emory P. Burnett
E & R Attorney

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Lewis & Clark		
Pat Rensch	Attorney	$447,686.45
James Sheldon	Attorney	$16,383.26

ATTORNEY GENERAL'S OPINION

Opinion No. 185
January 29, 1982

Dear Senator DeCamp:

In your letter of January 27, 1982, you refer to the decision of the District Court of Lancaster County holding certain sections of LB 284, Laws of 1981, unconstitutional, and suggest that the provisions held invalid are identical or similar to other state aid provisions.

Ordinarily, we could not respond to your questions, since our policy is not to render an opinion to an individual senator on the constitutionality of existing statutes. However, we gather from your letter that you may need the opinion in taking corrective legislative action, either with respect to LB 284 or with respect to the legislation you compare it to. We will therefore answer your questions.

You compare the distribution formula of LB 284 with that of the homestead law, and say, "In fact, the system of the distribution of the money is identical to the proposed formula in LB 284 that was declared unconstitutional." We disagree completely. The formulas are not only not identical, but, in our opinion are not even remotely similar.

In our Opinion No. 78, dated April 14, 1981, we discussed our view as to the validity of LB 284, which based 1982-83 and subsequent fiscal year distributions on the assessed valuation of taxable property in each county. We will not repeat those views herein.

Neb.Rev.Stat. §77-3523 (Supp. 1980) is a straight reimbursement statute. Each agency in the state is reimbursed the amount of money it lost because of the homestead exemptions allowed in its geographical area. A particular county, or a particular taxing agency within a county, may receive more than some other county or some other taxing agency, but that is because it lost more because of the homestead exemptions. The court requires only that the basis for distribution be rational, and we are of the opinion that this basis is rational.

The amount lost, of course, is based in part upon the amount of homestead exemptions allowed in the particular taxing jurisdiction. The other part of the equation is the size of the mill levy assessed in that taxing area. The homestead exemption itself is authorized by Article VIII, Section 2 of our Constitution, which permits the Legislature to exempt ''a portion of the value'' of a residence occupied as a homestead. Neb.Rev.Stat. §§77-3506 to 77-3509 make various provisions for certain classes of homestead claimants to have varying percentages of their homesteads exempt, with varying dollar ceilings on the values exempted. We believe these provisions are authorized by Article VIII, Section 2, and are completely different from the provisions of LB 284.

Even if we were not faced with the specific authorization found in the Constitution, we would not feel the homestead provisions create the same problems as LB 284. That bill's main problem is that by basing distributions of state aid on assessed valuations it gave the most money to those counties which needed it least. The homestead statutes do not have that vice.

You also state that for a multitude of years state aid to education was based on valuation strictly. You have given us no statutory citations to support that statement, nor have you said whether that is still true. Whether such aid was ever based solely on valuation we do not know, and feel that it would be unproductive labor to do the historical research to find out.

We have, however, examined Chapter 79, Article 13 of the statutes, as amended, with some care. This article deals with a number of sources of aid to public schools, and we have found none basing the distributions on assessed valuations. The closest we have found is provided for by Neb.Rev.Stat. §§79-1303 and 79-1304 (Supp. 1980), which provide for distribution of in lieu of tax money to districts containing school lands or saline lands owned by the state. The calculation is made by taking the appraised value of such land and applying to it the levies for school purposes in the various districts. Obviously, this is a rational basis for determining how much each district lost because of the state ownership of such lands, and therefore its entitlement to payment in lieu of taxes.

If you had in mind other state aid to education provisions not provided for in Chapter 79, Article 13, and feel they are comparable to the provisions of LB 284 which we are challenging, please call them to our attention.

You also note that we have raised questions about the validity of past distributions of at least one fund, and ask what our intentions are with respect to recovery of those funds, or the enjoining of current distributions. We are not in a position to make that decision at this time. The district court's decision on LB 284 will, we understand, be appealed to the Supreme Court. After the Supreme Court has spoken we will be in a position to appraise the situation with respect to other funds. We will probably take no further action before that time.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/f5
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 255A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

LEGISLATIVE BILL 440. Title read. Considered.

Miss Kilgarin renewed the Wiitala pending amendment found in the Journal on page 1471, First Session.

The amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Miss Kilgarin requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett
Carsten
Chambers
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Nichol
Pirsch
Rumery
Sieck
Vickers
Warner
Wesely

Voting in the negative, 18:

Apking
Beyer
Chronister
Clark
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Wagner

Present and not voting, 1:

Higgins

Excused and not voting, 5:

Beutler
Burrows
Labedz
Newell
Wiitala

Advanced to E & R for Review with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 364. Title read. Considered.

Standing Committee amendments found in the Journal on page 1776 for the Seventy-Fifth Day, First Session, were considered.

Mr. Kremer renewed his pending amendment to the Standing Committee amendments found in the Journal on page 2121, First Session.

The amendment was adopted with 13 ayes, 1 nay, 31 present and not voting, and 4 excused and not voting.

Standing Committee amendments, as amended, were adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell moved to indefinitely postpone LB 364.

Mr. Haberman moved the previous question. The question is, ''Shall the debate now close?'' The motion lost with 16 ayes, 11 nays, and 22 not voting.

The Newell motion to indefinitely postpone prevailed with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to reconsider the vote on indefinitely postponing LB 364.

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 8:

Chambers
Dworak
Fowler
Koch
Marsh
Schmit
Vickers
Wesely

Voting in the negative, 34:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Warner

Present and not voting, 3:

DeCamp
Sieck
Wagner

Excused and not voting, 4:

Burrows
Labedz
Nichol
Wiitala

The Chambers motion to reconsider lost with 8 ayes, 34 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 127. Placed on Select File as amended.
E & R amendments to LB 127:
Req. #2602

1. On page 3, line 18, insert an underscored comma after "Management".

2. In lieu of the Clark amendment, insert a new section to read:

"Sec. 3. That section 23-1901.01, Revised Statutes Supplement, 1980, be amended to read as follows:

23-1901.01. When there is no qualified surveyor within a county who will accept the office of county surveyor, the county board of such county may employ a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. In making such employment, the county board shall negotiate a contract with the surveyor, such contract to specify the terms and conditions of the appointment or employment, including the compensation of the surveyor, which compensation shall not be subject to the provisions of section 33-116.

A surveyor employed under this section shall serve the same term as that of an elected surveyor and is not required to reside in the county of employment.".

3. Renumber original sections 3 to 15 as sections 4 to 16, new section 16 added by the Sieck amendment as section 17, new section 16 added by the Haberman amendment as section 18, and original section 16 as section 19.

4. In the Sieck amendments, page 2, lines 22 and 27, strike "14 and 15" and insert "15 and 16".

5. On page 19, line 24, strike "33-116,"; and in line 26 insert "section 23-1901.01, Revised Statutes Supplement, 1980, and section 33-116, Revised Statutes Supplement, 1981," after the second comma.

6. In the title, line 4, strike "33-116,"; in line 6 insert ", section 23-1901.01, Revised Statutes Supplement, 1980, and section 33-116, Revised Statutes Supplement, 1981" after "1943"; and in line 17 insert "to create a fund and provide for its source and expenditure;" after the semicolon.

7. On page 13, lines 8 and 9, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1981"; and in line 17, insert "for county officers and employees" after "23-1112".

LEGISLATIVE BILL 127A. Placed on Select File as amended.
E & R amendment to LB 127A:

1. In lieu of the Sieck amendment, on page 2, strike beginning with "thirty-six" in line 2 through "and" line 3.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 605. Placed on General File.
LEGISLATIVE BILL 685. Placed on General File.

LEGISLATIVE BILL 616. Placed on General File as amended.
Standing Committee amendments to LB 616:

1. Strike section 2.
2. On page 13, line 13, strike "Any" and insert "Notwithstanding any other provisions of law, any"; and in line 15, after "surrender" insert "and transfer".
3. Renumber original sections 3 to 5 as sections 2 to 4 respectively.

(Signed) Elroy Hefner, Chairperson

NOTICE OF COMMITTEE HEARING
Micellaneous Subjects

Secretary of State Appointment
Fred Gottschalk - Thursday, February 11, 1982 (cancel)1:30 p.m.
Fred Gottschalk - Thursday, February 4, 1982 (reset) 1:30 p.m.
Nebraska Accountability and Disclosure Commission

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 431 in the Journal. No objections. So ordered.

1. In the DeCamp amendment on page 185 of the Journal on page 2, strike beginning with "purchases" in line 1 through "commission" in line 2 and insert ", on-sale purchases of alcoholic liquors by use of a credit card if fifty per cent or more of the income from sales of such retail establishment is from the sale

7 of food".

ANNOUNCEMENTS

Mr. Kremer announced the following:

Notice of Change in Public Hearing location
Public Works Committee

LB 611 - Wednesday, February 3, 1982 at 1:30 p.m. is changed from Room 1517 to Room 2102

LB 655 - Wednesday, February 3, 1982 at 1:30 p.m. is changed from Room 1517 to Room 2102

LB 742 - Wednesday, February 3, 1982 at 1:30 p.m. is changed from Room 1517 to Room 2102

Mr. Warner announced the following:

Notice of Change in Public Hearing location
Appropriations Committee

LB 928 - Wednesday, February 3, 1982 at 1:30 p.m. is changed from Room 1003 to Room 1517

LB 966 - Wednesday, February 3, 1982 at 1:30 p.m. is changed from Room 1003 to Room 1517

LB 934 - Friday, February 5, 1982 at 1:30 p.m. is changed from Room 1003 to Room 1520

LB 935 - Friday, February 5, 1982 at 1:30 p.m. is changed from Room 1003 to Room 1520

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 314. Title read. Considered.

Standing Committee amendments, Req. #2470, found in the Journal on page 2324 for the Eighty-Eighth Day, First Session, were considered.

Mrs. Higgins renewed her pending amendment, Req. #2585, found in the Journal on page 456.

The amendment was adopted with 21 ayes, 0 nays, 24 present and not voting, and 4 excused and not voting.

Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 210. Mr. Vickers requested to have LB 210 passed over.

LEGISLATIVE BILL 210A. Mr. Vickers requested to have LB 210A passed over.

LEGISLATIVE BILL 131. Title read. Considered.

Mr. Newell asked unanimous consent to withdraw his pending amendment referred to in the Journal on page 95. No objections. So ordered.

Standing Committee amendments, Req. #2506, referred to in the Journal on page 249 for the Fifth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 212.

Introduced by DeCamp, 40th District; Chambers, 11th District; Wesely, 26th District; Fowler, 27th District; Kilgarin, 7th District; Landis, 46th District; V. Johnson, 8th District; Beutler, 28th District; Koch, 12th District; Newell, 13th District; Wiitala, 31st District; Labedz, 5th District.

WHEREAS, the Natural Gas Policy Act of 1978 calls for the gradual deregulation of natural gas prices through 1985; and

WHEREAS, the Federal Energy Regulatory Commission through its rule and regulation authority is deregulating certain classifications of natural gas; and

WHEREAS, the changes proposed by F.E.R.C. could affect the price of up to one third of the natural gas supply; and

WHEREAS, F.E.R.C. decontrol of natural gas prices may cost Nebraska several billion dollars more than gradual decontrol through 1985; and

WHEREAS, approximately 75 percent of residential structures in Nebraska are heated with natural gas and the average cost of natural gas to each residential user in the state could increase considerably if prices are deregulated in this manner; and

WHEREAS, agricultural, commercial and industrial users in Nebraska could also incur substantially increased costs if natural gas prices are deregulated; and

WHEREAS, the cost of this decontrol to utilities in Nebraska using natural gas to general electricity may be as high as several million dollars; and

WHEREAS, increased natural gas costs for agriculture, commerce, industry and utilities in Nebraska will result in higher consumer prices for food, clothing, housing, electricity and other necessities of life; and

WHEREAS, F.E.R.C. decontrol may drain several billion dollars out of Nebraska's economy into the hands of major oil companies, producing states and foreign governments, resulting in a reduced industrial and tax base, fewer jobs and increased inflation; and

WHEREAS, decontrol of natural gas through the rule and regulation process, is a direct circumvention, by the Reagan administration, of Congressional powers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature supports the gradual decontrol of natural gas prices as outlined in the Natural Gas Policy Act of 1978.
2. That the Legislature opposes the deregulation of natural gas as proposed by the Federal Energy Regulatory Commission.
3. That the Legislature urgently requests the Nebraska Congressional delegation to investigate the legitimacy of such action by the F.E.R.C., inform the Legislature of their findings, and do everything in their power to prevent the acceleration of the deregulation of Natural Gas by a government agency without benefit of congressional action.
4. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, and Speaker of the United States House of Representatives, and the President of the United States Senate.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 287. Title read. Considered.

Standing Committee amendments found in the Journal on page 273 for the Sixth Day were considered.

Mr. Fowler offered the following amendment to the Standing Committee amendments:

1. In the Standing Committee amendments on page 273 of the 1982 Journal, page 3, line 23 before “before” insert “or shall have his or her tenure status revoked”.

2. On page 9, strike beginning with the comma in line 20 through “age” in line 21.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Rumery asked unanimous consent to withdraw his pending amendment, Req. #2500, found in the Journal on page 93. No objections. So ordered.

Mr. Rumery offered the following amendment:
Add the emergency clause.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 649. Title read. Considered.

MR. CLARK PRESIDING

Advanced to E & R for Review with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

Page 1, line 20 of the Committee Amendments, after petition, strike "." and insert ", and d) that such petition is approved by a majority of members of the school board or board of education of the district to which such land is sought to be attached. Such tract or tracts shall include all such contiguous land owned or controlled by each such petitioner or at least one hundred sixty acres of such land, whichever is less."

EXPLANATION OF VOTE

If I had been present I would have voted aye on the advancement of LB 255A.

(Signed) Richard Peterson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 695	Monday, February 8, 1982	1:30 p.m.
LB 857	Monday, February 8, 1982	1:30 p.m.
LB 930	Monday, February 8, 1982	1:30 p.m.
LB 833	Tuesday, February 9, 1982	1:30 p.m.
LB 943	Tuesday, February 9, 1982	1:30 p.m.
LB 960	Tuesday, February 9, 1982	1:30 p.m.
LB 622	Wednesday, February 10, 1982	1:30 p.m.
LB 665	Wednesday, February 10, 1982	1:30 p.m.
LB 683	Wednesday, February 10, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 571. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 213.

Introduced by Landis, 46th District; Hoagland, 6th District.

WHEREAS, Henry Fonda is a native son born in Grand Island and raised in Omaha; and

WHEREAS, Henry Fonda gave his first theatrical performance on the Omaha Community Playhouse stage in 1925 and performed there many times; and

WHEREAS, his screen performances in such memorable movies as The Grapes of Wrath, Twelve Angry Men, Mister Roberts, and On Golden Pond constitute a rich artistic legacy and a national treasure; and

WHEREAS, Henry Fonda has returned to enrich his home state by serving on the Board of Trustees of The Omaha Community Playhouse and supporting numerous civic projects and the city of his birth; and

WHEREAS, The Omaha Community Playhouse has begun planning for a $4 million, privately financed education and performing facility to be named the Henry Fonda Theater Center;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends the thanks and gratitude of all Nebraskans to Henry Fonda for his artistic excellence and his lifelong commitment to his home state.
2. That the Legislature on behalf of all Nebraskans wishes Henry Fonda good health, long life and success in his new endeavors.
3. That the Legislature commends The Omaha Community Playhouse in its vision and its commitment to enriching the cultural life of Nebraskans by undertaking this bold, exciting project.

Laid over.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Eugene Chamberlain, Mr. and Mrs. Don Bromm, and Paul Tobin from Burt County; and Tim DeBuse, Jeanette Morgan, and Heidi Nemec from Millard South.

ADJOURNMENT

At 12:00 noon, on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Wednesday, February 3, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 3, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 3, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Daniel R. Gangler, Associate Minister, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Chambers, DeCamp, Goodrich, Hoagland, V. Johnson, Lamb, Newell, Schmit, Stoney, Miss Kilgarin, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 32.

A BILL FOR AN ACT relating to motor vehicles; to prohibit the possession or operation of certain devices in motor vehicles; to define terms; and to provide a penalty and confiscation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Apking
Beutler
Beyer
Carsten
Chronister
Cope
Duda
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 5:

Burrows
Clark
Cullan
Fowler
Wagner

Excused and not voting, 13:

Barrett
Chambers
DeCamp
Goodrich
Hoagland
Johnson, V.
Kilgarin
Labedz
Lamb
Newell
Pirsch
Schmit
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Schmit moved to suspend the rules, Rule 6, Section 7 (b) to permit consideration of the following bills on Final Reading: 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, 572.

The motion prevailed with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 229.

A BILL FOR AN ACT to amend section 75-613, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to restrict a finding of inadequate exchange telephone service as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Burrows
DeCamp
Lamb

Present and not voting, 3:

Duda
Fowler
Peterson, R.

Excused and not voting, 3:

Chambers
Goodrich
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT to amend section 83-383, Reissue Revised Statutes of Nebraska, 1943, and section 83-388, Revised Statutes Supplement, 1981, relating to residential facilities for the mentally retarded; to change provisions on age as it relates to admission and continued residence applications; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers

Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Chambers
Goodrich
Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 309.

A BILL FOR AN ACT to amend section 79-406, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to allow the transfer of certain property to an adjoining school district as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Chambers
Goodrich

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 347.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 18-301, 18-305 to 18-308, 18-312, 28-309, 28-518, 28-519, 28-707, 28-708, and 28-907, Reissue Revised Statutes of Nebraska, 1943; to harmonize penalty provisions with the Nebraska Criminal Code; to prohibit certain acts; to define and redefine offenses; to provide penalties; to eliminate obsolete offenses relating to streetcars; and to repeal the original sections, and also sections 18-303 and 18-304, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Fowler

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 403.

A BILL FOR AN ACT to amend section 81-885.24, Revised Statutes Supplement, 1981, relating to the State Real Estate Commission; to provide that certain actions constitute unfair trade practices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Apking
Clark

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 418.

A BILL FOR AN ACT to amend section 23-1506, Reissue Revised Statutes of Nebraska, 1943, relating to the register of deeds; to change provisions relating to the recording of plats and subdivisions as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Beutler
Johnson, V.
Sieck

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 423.

A BILL FOR AN ACT to amend section 79-1270, Reissue Revised Statutes of Nebraska, 1943, relating to public schools; to expand the health education program; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Burrows
Cope
Cullan
DeCamp
Dworak
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Rumery
Sieck
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Duda
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 490 to Select File

Mr. Wesely moved to return LB 490 to Select File for the following specific amendment:
To indefinitely postpone LB 490.

Mr. Wesely asked unanimous consent to withdraw his motion to return to Select File. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 490.

A BILL FOR AN ACT to amend section 81-573, Revised Statutes Supplement, 1980, relating to the State Electrical Division; to transfer control of such division; to provide duties of the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Apking
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Haberman
Hefner
Johnson, V.
Kahle
Koch
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Vickers
Von Minden
Wagner

Voting in the negative, 17:

Barrett
Beutler
Chambers
Goll
Higgins
Hoagland
Johnson, L.
Kilgarin
Kremer
Landis
Marvel
Remmers
Sieck
Stoney
Warner
Wesely
Wiitala

Present and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 492.

A BILL FOR AN ACT relating to counties; to authorize the issuance of certain bonds as prescribed; to provide for notice; and to provide for the levy of taxes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Apking
Barrett
Beyer
Burrows
Chambers
Chronister
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 12:

Carsten
Clark
Cope
Cullan
Dworak
Koch
Lamb
Marvel
Pirsch
Vickers
Wesely
Wiitala

Present and not voting, 1:

Beutler

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 542.

A BILL FOR AN ACT to amend sections 2-2402, 2-2405, 2-2406, 2-2408, 2-2408.01, 2-2408.02, and 2-2409, Reissue Revised Statutes of Nebraska, 1943, relating to artificial weather modification; to eliminate the Weather Modification Commission; to provide duties for the Department of Agriculture; and to repeal the original sections, and also section 2-2404, Revised Statutes Supplement, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 563. With Emergency.

A BILL FOR AN ACT to amend section 67-292, Revised Statutes Supplement, 1981, relating to partnerships; to correct a date and harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb

Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 564.

A BILL FOR AN ACT to amend section 80-305, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 271, Eighty-sixth Legislature, First Session, 1979; section 5, Legislative Bill 184, Eighty-sixth Legislature, Second Session, 1980; and section 165, Legislative Bill 204, Eighty-seventh Legislature, First Session, 1981, relating to soldiers and sailors; to correlate certain provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 565.

A BILL FOR AN ACT to amend section 2-3229, Revised Statutes Supplement, 1981, relating to natural resources districts; to harmonize provisions with former acts of the Legislature; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 566.

A BILL FOR AN ACT to amend sections 71-2031, 71-2032, 71-2038, 71-2039, and 71-3601, Reissue Revised Statutes of Nebraska, 1943, and section 71-2623, Revised Statutes Supplement, 1981, relating to the Department of Health; to change provisions relating to the substitution of certain terms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 572. With Emergency.

A BILL FOR AN ACT to amend section 79-1303, Revised Statutes Supplement, 1980, relating to school funds; to change certain provisions relating to the valuation of school land; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 49:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 413 to Select File

Mr. DeCamp moved to return LB 413 to Select File for the following specific amendment:

Strike the Hoagland amendment previously adopted, and appearing on pg. 429 of the Journal.

The motion prevailed with 26 ayes, 18 nays, and 5 present and not voting.

SELECT FILE

LEGISLATIVE BILL 413. The DeCamp specific amendment found in this day's Journal was considered.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 19:

Beutler
Burrows
Chambers
Chronister
DeCamp
Dworak
Fenger
Fowler
Goll
Haberman
Johnson, L.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Remmers
Wagner

Voting in the negative, 25:

Apking
Barrett
Beyer
Carsten
Cope
Cullan
Duda
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Rumery
Sieck
Stoney
Von Minden
Warner
Wesely
Wiitala

Present and not voting, 5:

Clark
Goodrich
Marvel
Schmit
Vickers

The DeCamp amendment lost with 19 ayes, 25 nays, and 5 present and not voting.

Mr. Cullan requested a machine vote on the advancement of the bill back to Final Reading.

Voting in the affirmative, 25:

Beutler
Burrows
Carsten
Chambers
Chronister
Clark
DeCamp
Dworak
Fowler
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, H.
Remmers
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Cope
Cullan
Duda
Fenger
Hefner
Higgins
Kahle
Kremer
Labedz
Lamb
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 4:

Haberman
Marvel
Nichol
Schmit

Readvanced to Final Reading with 25 ayes, 20 nays, and 4 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 413.

A BILL FOR AN ACT to amend section 39-664, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change provisions relating to speed detection; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 20:

Beutler
Burrows
Carsten
Chronister
Clark
DeCamp
Dworak
Fowler
Goll
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Marvel
Newell
Remmers
Vickers
Wagner
Wesely

Voting in the negative, 27:

Apking
Barrett
Beyer
Cope
Cullan
Duda
Fenger
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Warner
Wiitala

Present and not voting, 2:

Chambers
Schmit

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 670. Placed on General File as amended.
Standing Committee amendment to LB 670:

1. On page 6, line 3, strike "twenty-five dollar" and show as stricken and after "fee" insert "of seventeen dollars and fifty cents".

LEGISLATIVE BILL 851. Placed on General File as amended.
Standing Committee amendment to LB 851:

1. On page 2, line 21, strike "the"; and in lines 22 and 27, strike "to which it is to be reapplied" and insert "owned or operated by the person reusing such runoff".

(Signed) Maurice Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 631. Placed on Select File as amended.
E & R amendment to LB 631:

1. In the title, line 5, strike "and"; and in line 6, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 589. Placed on Select File.

LEGISLATIVE BILL 212A. Placed on Select File as amended.
E & R amendment to LB 212A:

1. In the V. Johnson amendment, insert a comma after "1982" in line 5 and "1983" in line 6.

LEGISLATIVE BILL 115. Placed on Select File as amended.
E & R amendments to LB 115:

1. Because of the passage of Laws 1981, LB 234, section 1, on page 7, line 7, strike "1980" and insert "1981"; remove underscoring on page 7, line 10, page 8, lines 12 and 13, and page 9, line 5; and on page 8, line 9, strike "one" and insert "two".
2. On page 9, line 11, and in the title, line 2, strike "sections" and insert "section"; on page 9, lines 11 and 12, and in the title, line 2, strike "and 48-122"; and on page 9, line 12, and in the title, line 3, insert ", and section 48-122, Revised Statutes Supplement, 1981" after "1980".

LEGISLATIVE BILL 115A. Placed on Select File as amended.
E & R amendments to LB 115A:

1. On page 2, line 1, insert "(1)" before "nine".
2. In the Fowler amendment, line 3, insert "and (2)" before "fourteen".

Correctly Engrossed

The following bills were correctly engrossed: 139, 139A, and 450.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 450

The following change, now required to be reported to you for publication in the Journal, has been made to LB 450:
Req. #2599

1. Pursuant to the Warner amendment adopted on January 27, 1982, the following new section has been inserted in lieu of original section 9.

"Sec. 7. That section 71-2610, Revised Statutes Supplement, 1981, be amended to read as follows:

71-2610. The State Board of Health shall advise the department regarding:

(1) Rules and regulations for the government of the Department of Health, including those required

pursuant to section 5 of this act;

(2) The policies of the Department of Health;

(3) Health needs for the state;

(4) An educational health program throughout the state; and

(5) Plans of organization or reorganization of the Department of Health.

All funds rendered available by law, including funds already collected for such purposes, may be used by the department in administering and effecting such purposes.".

2. In E & R 5, line 1, "9" has been stricken and "19" inserted.

3. On page 12, line 6 has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 576. Placed on General File.

LEGISLATIVE BILL 583. Placed on General File as amended.
Standing Committee amendments to LB 583:
Req. #2606

1. Strike the original sections and insert the following new sections:

"Section 1. That section 37-526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-526. It shall be unlawful to hunt, kill, take, trap, or pursue or to attempt to hunt, kill, take, trap, or pursue any form of wild mammal or wild bird within a two hundred yard radius of an inhabited dwelling or livestock feed lot; Provided, that this section shall not prohibit any owner, tenant, or operator or their guests from hunting, killing, taking, trapping, or pursuing any form of wild mammal or wild bird within such radius if the area is under their ownership or control.

Sec. 2. That original section 37-526, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike beginning with "37-510" in line 2 through "1981" in line 3, and insert "37-526, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 588. Placed on General File as amended.
Standing Committee amendments to LB 588:
Req. #2582

1. Insert new sections as follows:

"Sec. 2. That section 37-214.01, Revised Statutes Supplement, 1981, be amended to read as follows:

37-214.01. (1) Any person in the military service of the United States, regardless of residence, who has been ordered to active duty at any facility of the Department of Defense or its component services located in the State of Nebraska, may hunt, fish, or harvest fur on the appropriate resident permit upon satisfactory proof that such person has been actually present for duty at such facility for a period of thirty days or more.

(2) Any person enrolled and in actual attendance as a full-time student in any university, college, junior college, or vocational technical college in this state, regardless of residence, or any foreign exchange student in this state, may hunt or fish on the appropriate resident permit upon satisfactory proof that such person has been actually in attendance at any such institution for a period of thirty days or more or is a foreign exchange student.

(3) Any person duly enrolled in the Civilian Conservation Centers or any similar governmental work or training facility in this state may hunt or fish on the appropriate resident permit upon proof that such person has been in attendance at such facility thirty days or more.

Sec. 3. That original section 37-214.01, Revised Statutes Supplement, 1981, is repealed.".

LEGISLATIVE BILL 634. Placed on General File as amended. Standing Committee amendment to LB 634:

1. On page 2, line 17, after "for" insert "use by"; and in line 20, after "developing" insert "or financing".

LEGISLATIVE BILL 672. Placed on General File as amended. Standing Committee amendment to LB 672:

1. On page 3, strike beginning with "change" in line 7 through "changing" in line 9 and insert "extend"; and in line 11, after "time" insert "that", strike "rates" and insert "valuations", and after "constant" insert "for the purpose of redeveloping blighted or substandard property".

LEGISLATIVE BILL 706. Placed on General File as amended. Standing Committee amendment to LB 706:

1. On page 2, line 9, after "law" insert

"authorize cities and villages to"; in line 22, strike "abate property taxes" and insert "permit property valuations to remain constant" and after "on" insert "designated"; and in line 23, after "property" insert "for the purpose of encouraging development".

LEGISLATIVE BILL 735. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Committee on Agriculture and Environment at 8:45 a.m., Thursday, February 4, 1982, in room 1105.

EXPLANATION OF VOTE

Had I been present when LB 32 was read on Final Reading I would have voted "aye".

(Signed) Larry Stoney

MOTION - Withdraw LB 211

Mr. Newell moved to withdraw LB 211 from consideration by the Legislature.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 488A. Title read. Considered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, 36 not voting.

Mr. Goodrich requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Apking
Barrett
Beutler
Beyer
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kahle
Koch
Landis
Marsh
Marvel
Newell
Nichol
Rumery
Wagner
Warner

Voting in the negative, 23:

Burrows
Carsten
Chambers
Fenger
Haberman
Hefner
Higgins
Johnson, L.
Kilgarin
Kremer
Labedz
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Present and not voting, 1:

Goll

Excused and not voting, 1:

Cullan

Failed to advance to E & R for Review with 24 ayes, 23 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Messrs. Fenger, Goll, and Koch asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 597. Title read. Considered.

Standing Committee amendments, Req. #2544, found in the Journal on page 384 for the Eleventh Day were adopted with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Failed to advance to E & R for Review with 7 ayes, 20 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 598. Title read. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 646. Title read. Considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 692. Title read. Considered.

Standing Committee amendments, Req. #2560, found in the Journal on page 409 for the Twelfth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 628. Title read. Considered.

Standing Committee amendments, Req. #2555, found in the Journal on page 409 for the Twelfth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 28 ayes, 6 nays, 8 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 931. Placed on General File.

(Signed) Jerome Warner, Chairperson

Education

LEGISLATIVE BILL 259. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2607.)

(Signed) Jerry Koch, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 912 Wednesday, February 10, 1982 7:00 p.m.

Public Testimony on Suggestions for the 1982-83 State Salary Policy.
Wednesday, February 10, 1982 7:00 p.m.

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT
Public Health and Welfare

The Committee on Public Health and Welfare desires to report favorably upon the appointments or reappointments listed below. The Committee on Public Health and Welfare suggests the appointments or reappointments be confirmed by the Legislature and suggests a record vote.

Mr. Ken Wall, Director, Health Manpower Referral Service
Dr. Ronald Houser, State Board of Health

Vote For: Senators Cullan, Higgins, Fenger, Apking, R. Peterson, and Barrett. (6) Against: None. Not Voting: None. Absent: Senator Wesely (1).

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 628. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 214.

Introduced by Chambers, 11th District.

WHEREAS, the Omaha North Freeway was withdrawn from the interstate System and placed on the State System of highways; and

WHEREAS, such withdrawn projects require a specific annual appropriation from Congress; and

WHEREAS, Congressional appropriations for such withdrawn projects have been cut drastically, with no guarantee of future Federal funding; and

WHEREAS, the Reagan Administration has cut all highway funding and expressed the intent to make additional cuts; and

WHEREAS, the Reagan Administration intends to turn such withdrawn projects over to the States for funding; and

WHEREAS, $22 million has been expended for activities related to the construction of the Omaha North Freeway; and

WHEREAS, many millions of dollars remain to be spent for completion of the Omaha North Freeway; and

WHEREAS, proponents of the Omaha North Freeway have assured that economic and housing development will attend completion of the Omaha North Freeway; and

WHEREAS, proponents of the Omaha North Freeway have argued that failure to complete the project will leave a devastated area; and

WHEREAS, the Nebraska Legislature, by passing LR 189 on May 28, 1981 and indefinitely postponing LB 364 on February 2, 1982 declared legislative support for completion of the Omaha North Freeway; and

WHEREAS, legislative expression of such support places a moral obligation on the Nebraska Legislature; and

WHEREAS, inadequate Federal funding exists to guarantee completion of the Omaha North Freeway.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That in the event that Federal funding should be inadequate to complete the Omaha North Freeway, or should the project be turned over to the State for total funding, it is the intent of the Legislature to guarantee that the Omaha North Freeway will be completed with funds deriving from (a) gasoline taxes, (b) highway trust funds, (c) general funds, or (d) any combination of such funding sources.

That the Clerk of the Legislature send a copy of this Resolution to Secretary of Transportation Drew Lewis.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 630. Title read. Considered.

Mr. Newell offered the following amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 728. Title read. Considered.

Standing Committee amendment found in the Journal on page 418 for the Thirteenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

VISITORS

Visitors to the Chamber were Gary Goldberg from Kearney; Lt. Bruce Drake; 11 seniors from Marquette High School; and Mr. and Mrs. Bob Watson from North Platte.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Thursday, February 4, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 4, 1982

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 4, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 4, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Glenn Frazier, Pastor of Antelope Park Church of the Brethren, Lincoln, Nebraska.

ROLL CALL

The roll call was called and all members were present except Mr. Kremer who was excused; and Mesdames Labedz, Pirsch, Messrs. Beutler, Chambers, Clark, Goodrich, Haberman, V. Johnson, Koch, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 69, 192, 198, 231, 239, 263, 370, 431, 448, 449, 511, and 592.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 69

The following change, now required to be reported to you for publication in the Journal, has been made to LB 69:

1. In the title, line 3, "a" has been stricken and "system" has been stricken and "systems" inserted; and in line 4 "a penalty" has been stricken and "penalties" inserted.

Enrollment and Review Change to LB 192

The following change, now required to be reported to you for publication in the Journal, has been made to LB 192:

In the Warner amendment found on page 479 of the journal, line 3, a comma has been inserted before "except".

Enrollment and Review Change to LB 198

The following change, now required to be reported to you for publication in the Journal, has been made to LB 198:

1. In committee amendments, on page 2, the matter beginning with the semicolon in line 8 through " 'are' " in line 11, has been stricken.
2. In the Warner amendment, request 2588, on page 1, line 20, "mailed by first class" has been stricken and "sent by first-class mail" inserted.
3. In the Warner amendment, page 1, line 21, "however such" has been changed to "which".

Enrollment and Review Change to LB 239

The following change, now required to be reported to you for publication in the Journal, has been made to LB 239:

1. An underscored comma has been inserted after "1982" in line 4 of the Vickers amendment.
2. Original section 5 has been renumbered as section 4.

Enrollment and Review Change to LB 263

The following change, now required to be reported to you for publication in the Journal, has been made to LB 263:

1. In E & R amendment 3, the comma after "71-1,162" in line 2 and the semicolon after "increase" in line 3 have been stricken; and in line 5 "or" has been stricken and "on" inserted.
2. In E & R amendment 6, in line 2, the comma has been stricken after "71-1,162"; and in line 3, the semicolon has been stricken after "increase".

Enrollment and Review Change to LB 431

The following change, now required to be reported to you for publication in the Journal, has been made to LB 431:

1. In the Labedz amendment on page 1, line 11, an underscored comma has been inserted after "1".

2. In the Hefner amendment, on page 1, line 3, "3" has been stricken and "4" inserted; and in line 4 "to" has been stricken and "by" inserted.

Enrollment and Review Change to LB 448

The following change, now required to be reported to you for publication in the Journal, has been made to LB 448:
Req. #2601

1. Pursuant to the second Warner amendment adopted on page 483 of the journal, on page 6, line 17, "and" has been inserted after the second comma.

2. Pursuant to the second Warner amendment adopted on page 483 of the journal, the following section has been inserted in lieu of original section 9:

"Sec. 7. That section 71-2610, Revised Statutes Supplement, 1981, be amended to read as follows:

71-2610. The State Board of Health shall advise the department regarding:

(1) Rules and regulations for the government of the Department of Health, including those required pursuant to section 5 of this act;

(2) The policies of the Department of Health;

(3) Health needs for the state;

(4) An educational health program throughout the state; and

(5) Plans of organization or reorganization of the Department of Health.

All funds rendered available by law, including funds already collected for such purposes, may be used by the department in administering and effecting such purposes.".

3. The section inserted by the first Warner amendment adopted on page 483 of the journal has been renumbered as section 9.

4. On page 3, line 11, an underscored comma has been inserted after "schools".

5. In E & R amendment 3, line 1, as found on page 388 of the journal "and" has been stricken; and in line 2 "and after the third" has been stricken and "; and in line 18 after the first" has been inserted.

6. In the title, line 13, "to provide duties for the State Board of Health;" has been inserted before "to".

7. In the second Warner amendment adopted on page 483 of the Journal, number 3, line 2, a comma has been inserted after "osteopathy".

Enrollment and Review Change to LB 449

The following change, now required to be reported to you for publication in the Journal, has been made to LB 449:

Req. #2685

1. On page 3, line 11, an underscored comma has been inserted after "schools".

2. Pursuant to the Warner amendment adopted on January 29, 1982, the following section has been inserted in lieu of original section 10:

"Sec. 8. That section 71-2610, Revised Statutes Supplement, 1981, be amended to read as follows:

71-2610. The State Board of Health shall advise the department regarding:

(1) Rules and regulations for the government of the Department of Health, including those required pursuant to section 6 of this act;

(2) The policies of the Department of Health;

(3) Health needs for the state;

(4) An educational health program throughout the state; and

(5) Plans of organization or reorganization of the Department of Health.

All funds rendered available by law, including funds already collected for such purposes, may be used by the department in administering and effecting such purposes.".

3. In the title, line 10, after the semicolon "to provide duties for the State Board of Health;" has been inserted.

4. In the title, line 4, strike "and".

5. On page 12, line 15, strike the first "and".

Enrollment and Review Change to LB 511

The following change, now required to be reported to you for publication in the Journal, has been made to LB 511:

1. In the E & R amendment, line 10, "second" has been inserted after "the".

Enrollment and Review Change to LB 592

The following change, now required to be reported to you for publication in the Journal, has been made to LB 592:

1. In the Hoagland amendment, lines 15 and 16, "or her" has been stricken.

2. In the title, line 2, "statutes; to repeal" has been stricken and "provisions; to amend section 83-466, Reissue Revised Statutes of

Nebraska, 1943; to remove obsolete language and repeal obsolete statutes; and to repeal the original section, and also'' inserted; in line 8 ''81-8,273 to 81-8,275,'' has been stricken; and in line 12 ''sections 81-8,272 and'' has been stricken, and ''section'' inserted.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572.

MOTION - Reconsider LB 270

Mr. Cullan renewed his pending motion found in the Journal on page 450 to reconsider the motion to indefinitely postpone LB 270.

Mr. Cullan moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Cullan requested a roll call vote on his motion.

Voting in the affirmative, 22:

Apking
Burrows
Carsten
Chronister
Clark
Cullan
Dworak
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 22:

Barrett
Beyer
Chambers
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Marvel
Peterson, R.
Rumery
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Labedz

Excused and not voting, 4:

Beutler
Goodrich
Koch
Kremer

The Cullan motion to reconsider lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION - Place LB 657 on General File

Mr. Nichol renewed his pending motion found in the Journal on page 463 to place LB 657 on General File notwithstanding the action of the Committee.

MR. CLARK PRESIDING

Mr. Cope moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Nichol moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Nichol requested a roll call vote on his motion.

Voting in the affirmative, 27:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Von Minden
Wagner

Voting in the negative, 20:

Chambers
Cope
Cullan
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Rumery
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Excused and not voting, 2:

Beutler
Kremer

The Nichol motion lost with 27 ayes, 20 nays, and 2 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 819. Placed on General File as amended.
Standing Committee amendments to LB 819:

1. On page 4, line 24, after "intellectual" insert "or entertainment"; and in line 25, after "by" insert "the following tangible personal property, including", after the third comma insert "or", and strike beginning with the fourth comma through "media" in line 26.

2. On page 5, line 6, after "of" insert "entertainment properties, including video discs," and after "tapes" insert a comma; and in line 9, strike "video tape and film" and insert "such".

3. On page 21, line 22, after "intellectual" insert "or entertainment".

4. Insert the following new section:
"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Calvin F. Carsten, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 894 Tuesday, February 9, 1982 (cancel) 1:30 p.m.

(Signed) John W. DeCamp, Chairperson

MOTION - Withdraw LB 237

Mr. Wesely moved to withdraw LB 237.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 230 in the Journal. No objections. So ordered.

On page 2, strike lines 13, 14, and 15, and insert into that section the following amendment.

"Section 2. This act to apply to all cabooses on trains except those used in terminal service, those operating within a two-mile limit of a terminal, or those trains operating with less than 20 rail cars on a branch line."

Mr. Kahle asked unanimous consent to print the following amendment to LB 703 in the Journal. No objections. So ordered.

Req. #2596

1. Insert the following new section:

"Section 1. That section 23-343.01, Revised Statutes Supplement, 1981, be amended to read as follows:

23-343.01. (1) When a county with a population of three thousand six hundred or more and less than two hundred thousand inhabitants or with an actual valuation of all taxable real and personal property, excluding intangible property, of twenty-eight million six hundred thousand dollars or more, shall establish such facility or facilities as provided by section 23-343, the county board of the county shall proceed at once to appoint a board of trustees. Such board shall consist of three or five members, as fixed by the county board. All members of such board shall be residents of said county. When such board is first established, one member shall be appointed for a term of two years, one for four years, and one for six years from the date they are appointed, if the county board provides for a three member board. Otherwise one additional member shall be appointed for four years and one for six years. When the board is changed to a five member board, the three members who are serving as such trustees at the time of a change from a three member to a five member board shall each complete his or her respective term of office. The two additional members shall be appointed by the county board, one for a term of four years and one for a term of six years. Thereafter, as their terms expire, members shall be appointed for a term of six years.

(2) Except in any county having a population of more than three hundred thousand inhabitants, not over one member of said board of trustees shall be from the city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, a minimum of one member of the board of trustees shall be a resident of the county and shall reside outside the corporate limits of the city in which such facility or facilities are located. In any county having a population of more than three hundred thousand inhabitants, if only one member of the board of trustees resides outside the corporate limits of the city in which the facility or facilities are located and the

residence of such member is annexed by such city, he or she shall be allowed to complete his or her term of office but shall not be eligible for reappointment. The said trustees shall, within ten days after their appointment, qualify by taking the oath of county officers and by furnishing a bond in an amount to be fixed by the county board. They shall organize as a board of trustees by the election of one of their number as chairperson, one as secretary, and one as treasurer, except that in counties with two hundred thousand inhabitants or more, the county treasurer of the county in which such facility or facilities are located shall be the treasurer of the board of trustees. The treasurer shall receive and pay out all the money under the control of said board as ordered by it, and shall report such expenditures and receipts to the county board on a monthly basis and as required by section 23-343.06. Such monthly report shall include a statement of the amount of currently outstanding registered warrants.

(3) When a member or trustee is absent from three consecutive board meetings either regular or special without being excused by the remaining members of the board, his or her office shall become vacant, and a new member shall be appointed by the county board to fill the vacancy for the unexpired term of such member as provided by section 23-343.09. Such vacancy shall become effective when the county board shall find that there is such a vacancy or shall fill the same as provided in this subsection.

(4) In counties having a population of two hundred thousand inhabitants or more, the county board of such county having such facility or facilities, in lieu of appointing a board of trustees of such facility or facilities, may elect to serve as the board of trustees of such facility or facilities. If the county board makes such election, that county board shall assume all the duties and responsibilities of the board of trustees of such institution. Such election shall be evidenced by the adoption of a resolution by that county board.".

2. On page 2, line 24, strike "is" and insert "and section 23-343.01, Revised Statutes Supplement, 1981, are".

3. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

Mr. Schmit asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 4, strike "71-1,167" and insert "71-1,197".

Mr. Schmit asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike section 9.
2. In the title in line 6 strike "to provide for rules and regulations;".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 590A. By Kilgarin, 7th District.
This bill introduced on behalf of: LB 590.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 590, Eighty-Seventh Legislature, Second Session, 1982.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 255A. Placed on Select File.

LEGISLATIVE BILL 440. Placed on Select File as amended.
E & R amendments to LB 440:

1. In section 1 as amended by the Wiitala amendment, strike the stricken matter and underscore all remaining matter.
2. In S C amendments, page 1, line 16, insert an underscored comma after "act".
3. On page 7, line 1, insert an underscored comma after "or".
4. On page 8, line 17, reinstate the stricken matter.
5. Because of the passage of Laws 1981, LB 303, section 5, on page 4, line 11, strike "1980" and insert "1981"; and strike beginning with the comma in line 26 through "term" in line 27 and insert "in the manner prescribed in section 79-464".
6. Because of the passage of Laws 1981, LB 446, section 31, on page 6, lines 6 and 7, strike "Reissue

Revised Statutes of Nebraska, 1943, and insert "Revised Statutes Supplement, 1981"; on page 6, line 17, strike "such", and after the period in line 19, insert "Such elected member shall have been a resident of the district for at least six months prior to the election.", and in line 19, after "Each" insert "candidate for election to and each"; and on page 7, lines 4 and 22, strike the underscoring.

7. Because of the passage of Laws 1981, LB 303, section 7, on page 8, lines 12 and 13, strike "Reissue Revised Statutes of Nebraska, 1943" and insert "Revised Statutes Supplement, 1981"; on page 10, line 8, remove underscoring; and on page 12, strike beginning with "occurring" in line 2 through "term" in line 10 and insert ", other than the position of student member, shall be filled pursuant to section 79-464".

8. On page 3, line 3, page 4, line 13, page 6, line 10, page 8, line 19, page 10, line 16, and standing committee amendment 8, line 3, after "and" insert "also".

9. On page 12, strike lines 11 to 14 and insert:

"Sec. 7. That original section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1980, and sections 79-902.01, 79-1003, and 79-1103, Revised Statutes Supplement, 1981, are repealed.".

10. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT to amend section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1980, and sections 79-902.01, 79-1003, and 79-1103,"; and in line 5, strike "1980" and insert "1981".

LEGISLATIVE BILL 314. Placed on Select File as amended.

E & R amendments to LB 314:

1. Because of the Higgins amendment to the standing committee amendments strike standing committee amendments.

2. On page 2, line 11, strike "1980" and insert "1981".

3. Pursuant to the enactment of Laws 1981, LB 545, section 19, on page 3, strike beginning with "an" in line 16 through "make" in line 17; and in line 18 strike "other".

4. On page 4, line 2, strike "1980" and insert "1981".

5. In the title, strike beginning with "to" in line 2 through the second comma in line 3; in line 4 after the semicolon insert "to amend section 71-1342, Reissue Revised Statutes of Nebraska, 1943, and section 68-703, Revised Statutes Supplement, 1981;"; in line 7 after the semicolon insert "to provide for the creation of irrevocable trusts as prescribed;"; and in line 8 strike "section" and insert "sections".

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendments to LB 131:

(References are to Standing Committee Amendments)

1. On page 8, line 19, insert an underscored comma after "79-1056".
2. On page 9, line 23, insert an underscored comma after "receive"
3. On page 15, line 7, strike "is" and insert "are".
4. On page 17, line 11, strike "is" and insert "are".
5. On page 19, line 8, insert "years" after "three".
6. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 79-1032, 79-1045, 79-1047, 79-1048, 79-1049, 79-1051.03, 79-1051.04, and 79-1056, Reissue Revised Statutes of Nebraska, 1943, sections 79-1041, 79-1052, and 79-1057, Revised Statutes Supplement, 1980, and section 79-1043, Revised Statutes Supplement, 1981, relating to the retirement system for Class V school districts; to revise the system as prescribed; to repeal the original sections, and also sections 79-1053, 79-1056.01 to 79-1056.04, and 79-1059, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.".

LEGISLATIVE BILL 287. Placed on Select File as amended.
E & R amendments to LB 287:

1. In the SC amendments, on page 1, line 4, after "and" insert an underscored comma; and in line 13 insert an underscored comma after "that".
2. In the SC amendments, page 3, line 14, insert an underscored comma after "that".
3. Add a new section to read:

"Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

4. In the title strike lines 2 to 9 and insert:

"FOR AN ACT relating to retirement; to amend section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981; to change provisions relating to mandatory retirement as prescribed; to authorize employment beyond the mandatory retirement age; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 649. Placed on Select File.
LEGISLATIVE BILL 571. Placed on Select File.
LEGISLATIVE BILL 598. Placed on Select File.
LEGISLATIVE BILL 646. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

MOTION - Place LB 758 on General File

Mr. Fowler renewed his pending motion found in the Journal on page 497 to place LB 758 on General File notwithstanding the action of the Appropriations Committee.

Mr. Fowler requested a record vote on his motion.

Voting in the affirmative, 10:

DeCamp
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell

Voting in the negative, 29:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Goll
Hefner
Johnson, L.
Kahle
Lamb
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 8:

Burrows
Chambers
Goodrich
Labedz
Nichol
Pirsch
Wesely
Wiitala

Excused and not voting, 2:

Beutler	Kremer

The Fowler motion lost with 10 ayes, 29 nays, 8 present and not voting, and 2 excused and not voting.

MOTION - Withdraw LB 211

Mr. Newell renewed his pending motion found in the Journal on page 534 to withdraw LB 211.

The motion prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 796. Placed on General File.
LEGISLATIVE BILL 845. Placed on General File.

LEGISLATIVE BILL 472A. Indefinitely postponed.
LEGISLATIVE BILL 607. Indefinitely postponed.
LEGISLATIVE BILL 789. Indefinitely postponed.

(Signed) Jerry Koch, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 215.

Introduced by Appropriations Committee: Warner, 25th District, Chairperson; L. Johnson, 15th District; Cope, 36th District; Stoney, 4th District; Goodrich, 20th District.

WHEREAS, the Nebraska Legislature has established an appropriation process under Rule 8 of the Rules of the Nebraska Unicameral;

WHEREAS, the Legislature's appropriation process calls for the Appropriations Committee to issue a preliminary budget report and recommended total General Fund appropriation for each year of the following biennium;

WHEREAS, the Appropriations Committee has conducted a preliminary review and issued the report required by Section 2 of Rule 8;

WHEREAS, the state agencies have requested approximately $908.8 million in new General Fund appropriations for 1982-83 and approximately $983.9 million in new General Fund appropriations for 1983-84;

WHEREAS, the Governor has recommended $758.0 million in new General Fund appropriations for 1982-83, of which $3.5 million is for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recommends a maximum General Fund appropriation of $758.0 million for 1982-83 and $811.1 million for 1983-84.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following in the Journal. No objections. So ordered.

Rule 8 of the Rules of the Nebraska Unicameral provides a procedure for the Legislature to use during the development of the annual appropriations from the General Fund. Section 2 of Rule 8 specifically requires that the Appropriations Committee prepare a report summarizing the recommended General Fund appropriation for each year of the following biennium. This report constitutes the report of the Appropriations Committee as required by Rule 8.

This Preliminary Budget Report is organized into six different sections which provide you with the necessary background information regarding state revenue and spending to assist you in your review of the enclosed legislative resolution, the Appropriations Committee amendment to the resolution and the development of your resolution (Section 4 of Rule 8) recommending a maximum General Fund appropriation for each year of the following biennium.

Section 1 outlines the current financial condition of the state based upon 1981-82 general fund obligations and estimated revenue as provided by the Department of Revenue to the State Board of Equalization on November 12, 1981. The State Tax Commissioner's revenue estimates for 1982-83 and 1983-84 are also presented.

Section 2 provides a series of tables and graphs which summarize the historical revenue and spending patterns of state government.

Section 3 summarizes the state agency requests for 1981-82 deficit appropriations, 1982-83 and 1983-84 appropriation requests, and presents the Governor's recommendations for 1982-83.

Section 4 provides you with a variety of information to assist in your consideration or development of alternatives for possible revenue and spending recommendations that could be developed for 1982-83 and 1983-84. Specific information regarding estimates of revenue under various tax rates is provided in this section.

Section 5 presents the Preliminary Financial Status Report of the Legislature based upon the Legislative Resolution accompanying this report.

Section 6 presents an amendment to be offered by the Appropriations Committee to the legislative resolution included in Section 5. This amendment would increase the Governor's recommended general fund level by $15.0 million for 1982-83.

In summary, this information is provided to assist you during your consideration of the legislative resolution to be adopted recommending a General Fund appropriation level for each year of the following biennium.

Please feel free to address any questions to members of the Appropriations Committee or contact the Legislative Fiscal Office for specific details about the tables presented in this Preliminary Budget Report.

The Preliminary Budget Report of the Appropriations Committee is on file and available from the Clerk of the Legislature's Office.

Messrs. Warner, Dworak, Fowler, Rumery, and Mrs. Marsh asked unanimous consent to print the following amendment to LR 215. No objections. So ordered.

Appropriations Committee Amendment
for Legislative Resolution 215

PURPOSE: To increase the recommendation for the 1982-83 maximum general fund appropriation by $15.0 million and the 1983-84 maximum general fund appropriation by $16.0 million.

AMENDMENT:

1. Add the following new paragraphs:

WHEREAS, the Appropriations Committee has recommended $773.0 million in new general fund appropriations for 1982-83, of which $4.1 million is for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills and amendments to the appropriation bills as reported to General File by the Appropriations Committee;

WHEREAS, the Appropriations Committee has recommended $827.1 million in new general fund appropriations for 1983-84, of which $4.4 million is for the funding of "A" bills, bills that result in the reduction of revenue to the General Fund, tax expenditure bills and amendments to the appropriation bills as reported to General File by the Appropriations Committee;

2. Amend the "resolve" by striking $758.0" and inserting "$773.0"; strike "811.1" and insert "827.1".

MOTION - Place LB 835 on General File

Mr. Wiitala moved to place Legislative Bill 835 on General File, notwithstanding the actions of the Public Health and Welfare Committee, pursuant to Rule 3, Section 16.

Laid over.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 487: J. Michael Jess and Duane W. Acklie.

Voting in the affirmative, 31:

Beyer
Burrows
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 16:

Apking
Barrett
Carsten
Chambers
Clark
Fenger
Fowler
Goll
Goodrich
Hefner
Labedz
Nichol
Rumery
Sieck
Wagner
Warner

Excused and not voting, 2:

Beutler
Kremer

The appointments were confirmed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Cullan moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 537: Mr. Ken Wall and Dr. Ronald Houser.

Voting in the affirmative, 27:

Beyer
Burrows
Chronister
Cope
Cullan
Duda
Dworak
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Lamb
Landis
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 0.

Present and not voting, 20:

Apking
Barrett
Carsten
Chambers
Clark
DeCamp
Fenger
Fowler
Goll
Goodrich
Hefner
Kahle
Labedz
Marsh
Nichol
Rumery
Sieck
Warner
Wesely
Wiitala

Excused and not voting, 2:

Beutler
Kremer

The appointments were confirmed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 210. Read. Considered.

Mr. Landis requested a record vote on the adoption of LR 210.

Voting in the affirmative, 39:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kahle

Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Hefner
Johnson, L.
Peterson, H.
Von Minden

Present and not voting, 3:

Clark
Goodrich
Sieck

Excused and not voting, 3:

Beutler
Kremer
Nichol

LR 210 was adopted with 39 ayes, 4 nays, 3 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 212. Considered.

Mr. DeCamp asked unanimous consent to refer LR 212 to Public Works Committee. No objections. So ordered.

LEGISLATIVE RESOLUTION 213. Read. Considered.

LR 213 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 654. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 623. Title read. Considered.

Standing Committee amendments, Req. #2565, printed separate from the Journal and referred to on page 428 for the Thirteenth Day were considered.

Mr. Landis offered the following amendment to the Standing Committee amendments:

Strike all the committee amendments except section 10.

Mr. Landis moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler
Burrows
Carsten
Cullan
Fowler
Goll
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 25:

Apking
Barrett
Beyer
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden

Present and not voting, 1:

Marvel

Excused and not voting, 1:

Kremer

Absent and not voting, 1:

Chambers

The Landis amendment lost with 21 ayes, 25 nays, 1 present and not voting, 1 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Miss Kilgarin offered the following amendment to the Standing Committee amendments:

(Amendments to Req. 2565)

1. Strike sections 1 to 4.
2. On page 6, lines 1, 2, 4, and 7 through 9 strike the new matter and reinstate the stricken matter;

in line 3 reinstate ", not exceeding", after "~~sixteen~~" insert "nineteen", and reinstate the stricken matter beginning with the first "per" through "the".

3. Strike sections 6 to 9.

4. On page 8, strike beginning with "The" in line 12 through "in" in line 13 and insert "The provisions of"; in line 13 after "19-221" insert "on interest rates"; in line 17, strike "or not establish"; and in line 19, strike ", if any,".

5. Strike sections 11 to 14.

6. On page 21, line 6, after "~~eighteen~~" insert "nineteen" and reinstate "per cent per annum"; and in lines 6 and 7, strike the new matter.

7. Strike sections 16 and 17 and insert the following new section:

"Sec. 4. That original sections 45-101.03 and 45-338, Revised Statutes Supplement, 1980, are repealed.".

8. On page 23, strike lines 15 through 19 and insert " '45-101.03 and 45-338, Revised Statutes Supplement, 1980;'; strike lines 3 through 10 and insert 'to change certain interest rates as prescribed; to'".

9. Renumber sections 5, 10, and 15 as sections 1 to 3 respectively.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Amendment pending.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 609. Placed on General File as amended.
Standing Committee amendments to LB 609:

1. On page 2, line 11, strike "The" and insert "~~The~~ Subject to the other provisions of this section, the"; in lines 13 and 14, strike the new matter; in line 16 before "by" insert "(1)"; strike beginning with "and" in line 17 through "act" in line 18 and insert "or (2)".

2. On page 3, in lines 1 and 2, strike the new matter and in line 3 after "factors" insert "or must have acquired the equivalent of one half year service or more as a public school employee under the school retirement system following the effective date of this act to be eligible for computation of his or her formula annuity using one and one half per cent of his or her final average compensation as one of the factors".

3. On page 4, line 5, strike "(1)" and insert

"~~(1)~~(a)"; in line 7 strike "(2)" and insert "~~(2)~~(b)"; and in line 9 strike "(3)" and insert "~~(3)~~(c)".

LEGISLATIVE BILL 902. Placed on General File.

LEGISLATIVE BILL 240. Placed on General File as amended.
Standing Committee amendments to LB 240:

1. Strike original section 2.
2. On page 3, line 27, strike "and section 84-1317," and insert "is repealed.".
3. On page 4, strike line 1.
4. Renumber original section 3 as section 2.

(Signed) Steve Fowler, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 4, 1982, at 11:00 a.m., were the following bills: 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

On page 4, line 13, before "are" insert "and also section 2-1223, Revised Statutes Supplement, 1980".

Mr. Lamb asked unanimous consent to print the following amendment to LB 654 in the Journal. No objections. So ordered.

Page 2 line 10 strike "of" and insert "not to exceed" after the word "period".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to add his name to the Wiitala motion to place LB 835 on General File notwithstanding the action of the Committee. No objections. So ordered.

VISITORS

Visitors to the Chamber were 75 fifth and sixth grade students and teachers from Prescott Elementary, Lincoln; John Reed, Ron Fiegenschuh, Kip Dubbs, Kurt Haugan, Mike Stevens, Sherri Schilling, Barbara Needham, Margaret Elwell, Kate Moncrief, Monica Hoier, Richard Osterday, and Paul Sheaman from Sidney; Kay Cattle from Wayne; Rev. J. Andrew Thompson, Rev. Horace McMillan from Omaha; Steve Grasz from Chappell; and Mr. Jess Nielsen from North Platte.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Friday, February 5, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 5, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 5, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Major John Werner, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Messrs. Burrows, Chambers, Goodrich, Hoagland, Newell, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 210 and LR 213.

SELECT FILE

LEGISLATIVE BILL 274. Considered.

Mr. Sieck renewed his pending motion found in the Journal on page 422 to indefinitely postpone LB 274.

The motion lost with 6 ayes, 29 nays, 9 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

1. On page 3, line 2 strike "and"; and after line 2 insert:

"(3) Any agent of a hospital service corporation licensed under section 21-1535 who (a) is licensed only as an agent of such corporation, (b) receives no commission or other compensation from such corporation, and (c) is not authorized to accept applications on behalf of such corporation; and"; and in line 3 strike "(3)" and insert "(4)".

The amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 692. Placed on Select File as amended.
E & R amendments to LB 692:

1. In committee amendments, page 1, line 14, strike "; Provided, no", land insert ". ~~; Provided, no~~ No".

2. In the title, line 3, insert "and section 17-950, Revised Statutes Supplement, 1980," after the second comma; in line 4, strike "of the first class" and insert "and villages"; and in line 7, strike "section" and insert "sections".

LEGISLATIVE BILL 628. Placed on Select File as amended.
E & R amendments to LB 628:

1. On page 2, line 20, strike the comma.
2. On page 3, line 23, strike the comma.

LEGISLATIVE BILL 630. Placed on Select File as amended.
E & R amendments to LB 630:

1. Insert a new section to read:

"Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, line 6, strike "and"; and in line 7, insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 728. Placed on Select File as amended.
E & R amendment to LB 728:

1. In the title, line 8, strike "and"; and in

line 12, insert "; and to declare an emergency" after "1980".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 650. Placed on General File as amended.
Standing Committee amendments to LB 650:
Req. #2616

1. Insert the following new sections:

"Sec. 7. That section 85-913, Revised Statutes Supplement, 1980, be amended to read as follows:

85-913. (1) In addition to any other powers and duties imposed upon the Nebraska Coordinating Commission for Postsecondary Education under sections 85-901 to 85-911, 85-974, 85-980 to 85-9,102, and 85-1101 to 85-1111, the commission shall develop plans ~~studies~~ to:

~~(a) Develop proposals providing for the transferability of program credits among systems of postsecondary education;~~

~~(b) Determine the extent of student attrition in the three postsecondary systems and recommend approaches for the reduction of attrition rates; and~~

~~(c) Develop proposals for an integrated delivery system for the provision of adult and continuing education services.~~

~~(2) A report of each proposal resulting from studies conducted pursuant to subsection (1) of this section shall be filed with the committee not later than January 1, 1978.~~

(a) Insure improved curriculum articulation among the public postsecondary education institutions in Nebraska, specifically to enable any student of a public postsecondary education institution in Nebraska to obtain immediate information on the transferability of any course offered by such institution to any other public postsecondary education institution in Nebraska;

(b) Incorporate facilities utilization and inventory information into the postsecondary education information system provided by sections 85-968 to 85-979;

(c) Implement the goals and recommendations for adult and continuing education services previously identified by the commission; and

(d) Eliminate remedial courses at the postsecondary education level.

(2) The commission is directed to submit plans and to propose legislation to implement such plans

pursuant to subsection (1) of this section to the Governor and the Legislature for consideration.

Sec. 8. That section 85-974, Revised Statutes Supplement, 1980, be amended to read as follows:

85-974. The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Higher Education General Information Survey and make such corrections in the submitted information as are necessary;

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private institutions willing to cooperate as part of the Higher Education General Information Survey; and

(3) ~~Collect, verify, and audit all information submitted by public postsecondary systems and institutions as part of the information system under sections 85-970 and 85-971; and~~

~~(4) Prepare an annual report by July 1 of each year of the information submitted as a part of the information system under procedures established by the committee.~~ Assist the Legislature in developing and maintaining its postsecondary education information system, specifically to provide information on facilities utilization and an inventory of facilities.".

2. On page 3, strike line 12 through 17.

3. On page 4, lines 4 and 14, before "85-980" insert "85-974," strike beginning with "The" in line 19 through the semicolon in line 25 and show the old matter as stricken; and in line 27, strike beginning with the period through "establish" and insert "which shall be commensurate with those of persons with equivalent responsibilities and training at the University of Nebraska. The director may establish a retirement benefit for professional staff comparable to his or her retirement benefits;".

4. On page 5, strike lines 1 through 4; and in line 18, after "85-911" insert ", 85-974".

5. On page 6, line 17, strike "collect, verify," and insert "utilize data from the Higher Education General Information Survey and postsecondary education information system authorized by sections 85-968 to 85-979 to" and strike the third comma; and strike beginning with "incorporating" in line 21 through "85-974" in line 22.

6. On page 8, line 24, after the semicolon insert "and".

7. On page 9, strike beginning with the semicolon in line 1 through "funds" in line 7.

8. On page 10, line 3, strike the second "and" and insert a comma and before "Revised" insert "85-913, and 85-974,"; and in line 4, strike "85-913" and insert "85-914".

9. Renumber original section 7 as section 9.

LEGISLATIVE BILL 652. Placed on General File as amended.
Standing Committee amendments to LB 652:

1. On page 2, line 2, strike "a recognized" and insert "an established"; strike beginning with "or" in line 3 through "organization" in line 4; in line 4 after "file" insert "annually"; strike beginning with "Professes" in line 11 through "laws" in line 14 and insert "Declares that the requirements embodied in the law constitute an interference with religious instruction"; in line 15 strike "a recognized" and insert "the lay governing body or organization of parents of an established"; in line 20 after "waiver" insert "for the ensuing school year", and strike "section" and insert "sections"; in line 21 strike "requiring" and insert "and 79-1701 as they relate to the requiring of"; and strike beginning with "if" in line 23 through the semicolon in line 27 and insert "when the lay governing body or organization of parents certifies and attests that the teachers and administrators retained or employed to teach, counsel, supervise, and administer are qualified to do so in the school; and".

2. On page 3, strike lines 1 through 4; in line 5 strike "(3) Waive" and insert "(2) For the ensuing school year, waive"; and strike lines 10 through 14 and insert "(1) The basis for declaring that the requirements constitute an interference with religious instruction;".

3. On page 4, line 5, strike "its representative" and insert "organization of parents"; in line 9 after the semicolon insert "and"; and strike lines 12 through 15.

(Signed) Jerry Koch, Chairperson

Urban Affairs

LEGISLATIVE BILL 817. Placed on General File.

LEGISLATIVE BILL 727. Indefinitely postponed.
LEGISLATIVE BILL 820. Indefinitely postponed.

(Signed) David Landis, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 188
February 2, 1982

Dear Senator Koch:

This is in response to your letter of January 28, 1982. In that letter you ask if LB 789 is unconstitutionally vague.

If enacted into operative law, LB 789 would require contract forms for employment of a teacher or administrator for a public school to be approved by the State Department of Education in accordance with the rules of the department. It then states what the rules shall provide.

At the outset, we are troubled by the fact that this legislative bill does not expressly authorize the State Department of Education to promulgate such rules but authorizes the same, if at all, by implication. We are also troubled by the fact that section 1(4) of this legislative bill is somewhat duplicative of Neb.Rev.Stat. §84-907 (Supp. 1980). While the same does not necessarily render LB 789 unconstitutional, it could cause problems which can only be resolved by litigation and thus, temporarily at least, cause uncertainty in this area of the law.

We also note that this legislative bill states what the rules of the State Department of Education shall provide in connection with contracts of employment of teachers and administrators of public schools. Thus, arguably, any rules the State Department of Education could promulgate pursuant to LB 789 is limited to the matters stated in section 1(1) and 1(2) of this legislative bill. That, of course, raises the question as to the need of administrative rules pertaining thereto.

In summary, we cannot say that this legislative bill is unconstitutionally vague—although it may very well be. The authority of the State Department of Education to promulgate administrative rules pursuant thereto is indeed questionable.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmb/tl
cc: Patrick J. O'Donnell

Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 274A. Mr. DeCamp offered the following amendment:
PURPOSE: To provide a FY 1983-84 appropriation pursuant to Rule 8, Section 5.
AMENDMENT:

On page 2, in line 1 after "appropriated" insert "(1)"; in line 4, after the second comma, insert "and (2) forty-three thousand four hundred four dollars from the Department of Insurance cash fund for the period July 1, 1983 to June 30, 1984,"; in line 9, after "dollars" insert "for the period July 1, 1982 to June 30, 1983, or twenty-eight thousand one hundred fifty-three dollars for the period July 1, 1983 to June 30, 1984".

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 215. Mr. Chronister requested to have LB 215 laid over.

LEGISLATIVE BILL 454. Mr. Fowler renewed his pending amendment found in the Journal on page 398.

Mr. Fowler requested a record vote on his amendment.

Voting in the affirmative, 13:

Burrows
DeCamp
Fowler
Haberman
Hoagland
Kilgarin
Koch
Landis
Newell
Rumery
Sieck
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Carsten
Cope
Duda
Fenger
Goll
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Marsh
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Wagner
Warner

Present and not voting, 12:

Beutler
Chambers
Chronister
Clark
Dworak
Goodrich
Higgins
Labedz
Nichol
Schmit
Vickers
Von Minden

Excused and not voting, 1:

Cullan

The Fowler amendment lost with 13 ayes, 23 nays, 12 present and not voting, and 1 excused and not voting.

Messrs. Carsten and Warner renewed their pending amendment, Req. #2556, found in the Journal on page 442.

SPEAKER MARVEL PRESIDING

The Carsten-Warner amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 2, line 12, after the period, insert "For the taxable year commencing January 1, 1982, the individual income tax rate shall be sixteen per cent."

2. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law."

Mr. Warner moved for a Call of the House. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler
Carsten
Chambers
Dworak
Fowler
Hefner
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Marsh
Newell
Rumery
Sieck
Vickers
Wagner
Warner
Wesely

Voting in the negative, 27:

Apking
Barrett
Beyer
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Labedz
Lamb
Landis
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit

Stoney Von Minden

Present and not voting, 2:

Burrows Wiitala

Excused and not voting, 1:

Cullan

The Warner amendment lost with 19 ayes, 27 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment with 30 ayes, 6 nays, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #2548

1. Reinstate stricken matter on pages 3 and 4.

2. On page 3, line 21, after the period, insert:

"The Department of Roads at its discretion may establish testing programs under a special permit procedure to utilize highways under its jurisdiction to operate or move a vehicle or a combination of vehicles or objects that exceeds the maximum specified by law when it is determined by the department that such testing could provide results that might inure to the benefit of the people of Nebraska. If such testing is authorized, the department shall establish such procedures governing the granting of such a permit, the specifics determining the test, and any other criteria deemed essential by the department to assure that all safety considerations have been duly considered and that adequate conditions have been established to assure that permit operations would not accelerate any wear or tear on designated highways. The department shall assess fees that will recover all costs of administering and conducting any tests authorized during the time that testing is permissible. Because of the impossibility of foreseeing all possible changes in conditions that will occur, it is the intent the Department of Roads have the widest possible latitude in establishing programs consistent with the stated objectives of this paragraph.".

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

Req. #2624

1. Insert the following new sections:

"Sec. 12. The Legislature shall appropriate any funds needed by a school district, educational service unit, or technical community college to comply with this act. Such appropriation shall be made for each and every year additional costs are incurred by such educational institutions.

Sec. 13. For purposes of subdivision (2) of section 77-3425, new program shall include changes needed by a school district, educational service unit, or technical community college to comply with sections 1 to 11 of this act, the funds for which are provided under section 12 of this act.".

Mr. Fowler asked unanimous consent to print the following amendment to LB 267 in the Journal. No objections. So ordered.

1. In the R. Peterson amendment 1, line 4, add the following: "or the Professional Practices Commission established pursuant to section 79-1281".

2. In the committee amendment line 3, strike ". and insert or a teacher".

Mr. Nichol asked unanimous consent to print the following amendment to LB 353 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2619

1. Strike the original sections and insert the following new sections as follows:

"Section 1. That section 43-284, Revised Statutes Supplement, 1981, be amended to read as follows:

43-284. When any juvenile is adjudged to be under subdivision (3) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order committing the juvenile to the (1) care of some suitable institution, (2) care of some reputable citizen of good moral character, (3) care of some association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association shall have been accredited as provided in section 43-296, (4) care of a suitable family, except that under subdivision (1), (2), (3), or (4) of this section upon a determination by the court that there are no private or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment, or (5) care and custody of the Department of Public Welfare. The Department of Public Welfare shall file with the court a written report within thirty days of the commitment of any child to the department. The report shall contain the Department of Public Welfare's initial plan of care, placement, and services which are to be provided to such child. The Department of Public Welfare shall file with the court a progress report on each child at regular six-month intervals or shorter intervals if ordered by the court or deemed appropriate by the department. The Department of Public Welfare shall have the authority to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each child committed to it. The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed, and shall be paid only for education in kindergarten through grade twelve.

Sec. 2. That section 43-287, Revised Statutes Supplement, 1981, be amended to read as follows:

43-287. Notwithstanding the provisions of subdivision (2) of section 43-286, when any juvenile is found by the court to be a juvenile defined by subdivision (3)(b) of section 43-247, the court may (1) enter such order as it is empowered to enter in the case of a juvenile described in subdivision (1) or (2) of section 43-247, except that no such juvenile shall be committed to the Youth Development Centers at Kearney or Geneva, or (2) enter an order committing or placing the juvenile to the care and custody of the Department of Public Welfare.

The Department of Public Welfare shall file with the court a written report within thirty days of the commitment of any child to the department. The report shall contain the Department of Public Welfare's initial plan of care, placement, and services which are to be provided to such child. The Department of Public Welfare shall file with the court a progress report on each child at regular six-month intervals or shorter intervals if ordered by the court or deemed appropriate by the department. The Department of Public Welfare shall have the authority to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each child committed to it.

Sec. 3. This act shall become operative on July 1, 1982.

Sec. 4. That original sections 43-284 and 43-287, Revised Statutes Supplement, 1981, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike beginning with "43-208" in line 2 through line 3 and insert "43-284 and 43-287, Revised Statutes Supplement, 1981,"; and in line 6 after the first semicolon insert "to provide an operative date;".

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 4, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Knudsen, Berkheimer, Richardson & Endacott:
  Ruth, Larry L. - Lincoln, Nebraska Hearing Aid Dealers Association (Reinstated 2-2-82)
Meisner, Arthur L. - Greeley, CO, SUGRO, Inc.
Morris, William John - Lincoln, Nebraska Auto Body Association
Quick, Arlis Ann - Lincoln, Junior League of Lincoln
Stading, Donald R. - Lincoln, Bankers Life Insurance Company of Nebraska
Tews & Radcliffe:
  Radcliffe, Walter H. - Lincoln, Grand Island Policeman's Union (withdrawn 1-29-82); North Platte Police Officers Union (withdrawn 1-29-82); Scottsbluff Police Officers Union (withdrawn 1-29-82)

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 624	Thursday, February 25, 1982 (cancel)	1:30 p.m.
LB 871	Thursday, February 25, 1982 (cancel)	1:30 p.m.
LB 956	Thursday, February 25, 1982 (cancel)	1:30 p.m.
LB 624	Thursday, February 18, 1982 (reset)	1:30 p.m.
LB 871	Friday, February 19, 1982 (reset)	1:30 p.m.
LB 956	Friday, February 19, 1982 (reset)	1:30 p.m.

(Signed) Martin Kahle, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 216.

Introduced by Cullan, 49th District.

WHEREAS, the northwestern portion of the State of Nebraska, commonly known as the Panhandle, is located a great distance from the center of state government and business; and

WHEREAS, numerous citizens in the Panhandle feel that their remoteness contributes to a lack of responsiveness to their needs on the part of state government; and

WHEREAS, some citizens of the Panhandle have expressed an interest in leaving the State of Nebraska to become a part of the State of Wyoming; and

WHEREAS, a study of this possible change should include a comparison between Nebraska and Wyoming with respect to tax rates, the tax basis of property, the political philosophy of the people in each area, use and development of natural resources and mineral deposits, and the responsiveness of state government to the people of the area.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Speaker of the Legislature appoint a five-member study committee from the Panhandle to examine the issue of the Panhandle joining the State of Wyoming.
2. That the study committee give consideration to the various factors which gave rise to this issue.
3. That the study committee remain in existence for a period of two years.

4. That the study committee accept contributions for the sole purpose of reimbursing members for expenses incurred in either Nebraska or Wyoming while engaged in the official business of the committee.

5. That the Nebraska study committee shall not be authorized to accept contributions totaling more than five thousand dollars.

6. That the study committee report its findings to the Legislature and include an accounting of all money received and how such money was expended. The Executive Board of the Legislature may require an accounting of such money from time-to-time.

7. This study committee shall operate and function in concert with, and as half of, a similar study committee to be authorized by the Wyoming Legislature. This resolution will be operative only if the Wyoming Legislature authorizes a similar resolution to allow the joint study committee to function.

Laid over.

LEGISLATIVE RESOLUTION 217.

Introduced by Koch, 12th District.

WHEREAS, vocational education programs provide students with the valuable experience necessary to achieve a productive position in the adult working world; and

WHEREAS, vocational education programs sponsor many youth associations such as FFA, VICA, and FHA; and

WHEREAS, vocational education is the training facility for the workers of tomorrow; and

WHEREAS, the future of our state depends on the training that the youth of Nebraska receives from vocational education programs today.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature hereby proclaims the week of February 7 - 13, 1982, as VOCATIONAL EDUCATION WEEK in Nebraska, and urges all citizens to take interest in, support, and encourage the vocational education programs available to Nebraska's youth of today and leaders of tomorrow.

Laid over.

LEGISLATIVE RESOLUTION 218.

Introduced by H. Peterson, 35th District; Hefner, 19th District.

WHEREAS, article I, section 8, Constitution of the United States, provides that only the Congress of the United States shall have the power "to borrow Money on the credit of the United States"; and

WHEREAS, article I, section 8, Constitution of the United States, directs that only the Congress of the United States is permitted "to coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures"; and

WHEREAS, the Federal Reserve Act of December 23, 1913 (Act of December 23, 1913; 38 Stat. 251; 12 United States Code section 221 et. seq.) transferred the power to borrow money on the credit of the United States to a consortium of private bankers in violation of the prohibitions of article I, section 8, Constitution of the United States; and

WHEREAS, the Congress of the United States is without authority to delegate any powers which it has received under the Constitution of the United States established by the people of the United States; and

WHEREAS, article I, section 1, Constitution of the United States, provides that "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."; and

WHEREAS, the Federal Reserve Act of December 23, 1913 was imposed upon the People of the State of Nebraska in violation of the provisions of article I, section 1, Constitution of the United States; and

WHEREAS, members of the Federal Reserve System, a consortium of private bankers, have threatened the very integrity of our national government through their arbitrary and capricious control and management of the nation's money supply; and

WHEREAS, testimony entered into the Congressional Record on April 19, 1971 by one observer, Mr. Archibald E. Roberts, indicates that past and present members of the Federal Reserve Board may be guilty of criminal conduct and there is evidence to support his view; and

WHEREAS, the United States is facing, in the current decade, an economic debacle of massive proportions due in large measure to a continued erosion of our national currency and the resultant high interest rates caused by the policies of the Federal Reserve Board; and

WHEREAS, a consortium of private bankers which is not subject to any official periodic review or oversight by Congress has unconstitutionally controlled the economy of the United States through the Federal Reserve Act since 1913; and

WHEREAS, this nation faces an immediate economic crisis. It is extremely urgent that the Congress of the United States act before it is too late by repealing the Federal Reserve Act and restoring the economy of this nation to a sound basis through a withdrawal of all "fiat money" now in circulation - the so-called Federal Reserve Notes - and return to the gold standard.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Congress of the United States immediately enact such legislation as is necessary to repeal the Federal Reserve Act and restore the gold standard.
2. That the President of the United States immediately sign the necessary enabling legislation once it reaches his desk.
3. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Nebraska Congressional Delegation.

Laid over.

SELECT FILE

LEGISLATIVE BILL 402. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 525. E & R amendments found in the Journal on page 391 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255. E & R amendments found in the Journal on page 395 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 255A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 589. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendments found in the Journal on page 531 for the Nineteenth Day were adopted.

Mr. Hefner requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 115A. E & R amendments found in the Journal on page 531 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 440. E & R amendments found in the Journal on page 549 for the Twentieth Day were adopted.

Mr. Lamb requested a machine vote on the advancement of the bill.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 314. E & R amendments found in the Journal on page 550 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 131. E & R amendments found in the Journal on page 551 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 287. E & R amendments found in the Journal on page 551 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 649. Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 3:

Chambers	Kremer	Warner

Present and not voting, 3:

Apking	DeCamp	Von Minden

Excused and not voting, 2:

Cullan	Schmit

Advanced to E & R for Engrossment with 41 ayes, 3 nays, 3 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 598. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 646. Advanced to E & R for Engrossment.

EXPLANATION OF VOTE

Had I been present I would have voted no on LB 440.

(Signed) Rex Haberman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 720. Placed on General File.

LEGISLATIVE BILL 716. Placed on General File as amended.
Standing Committee amendment to LB 716:
1. On page 2, line 25, strike "is" and insert "and also sections 25-1222.02 and 25-1267.01 to 25-1267.45, Reissue Revised Statutes of Nebraska, 1943, are".

LEGISLATIVE BILL 717. Placed on General File as amended.
Standing Committee amendments to LB 717:
1. On page 2, line 4, strike "three" and insert "two".
2. Insert a new section as follows:
"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 723. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Burrows asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

1. On page 2, line 6, after "any" insert "approved"; in line 7 after "any" insert "approved"; and after line 21 insert a new paragraph as follows:

"For purposes of this section approved foreign corporation or alien shall mean any corporation incorporated in, or alien a citizen of, any foreign country which allows corporations incorporated in the United States rights similar to those granted under this section.".

VISITORS

Visitors to the Chamber were 4 seventh and eighth grade students and teacher from Pioneer Christian School, Bassett.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Goodrich, the Legislature adjourned until 9:30 a.m., Monday, February 8, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 8, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 8, 1982

Pursuant to adjournment, the Legislature met at 9:30 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. J. Dallas Gibson, United Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. Beutler, Haberman, Hoagland, Newell, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Governor's Appointment
Herb Davis - Tuesday, February 9, 1982 1:30 p.m.
Advisory Committee to Department of Economic Development

LB 626 Tuesday, February 16, 1982 1:30 p.m.

(Signed) John W. DeCamp, Chairperson

Judiciary

Governor's Appointments
Wednesday, February 10, 1982 1:30 p.m.
Doris Collins - Parole Board
Colonel Kohmetscher - Nebraska State Patrol

(Signed) William E. Nichol, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 654. Placed on Select File.

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendment to LB 829:

1. On page 4, line 7, insert an underscored period after "71-2029" and strike the remainder of the line, showing old matter stricken.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 824. No objections. So ordered.

MOTION - Place LB 635 on General File

Mr. Kahle renewed his pending motion found in the Journal on page 486 to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee.

Mr. Kahle moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Kahle requested a roll call vote on his motion.

Voting in the affirmative, 20:

Barrett
Burrows
Cope
Duda
Fowler
Goodrich
Hefner
Higgins
Kahle
Kremer
Labedz
Lamb
Marsh
Newell
Rumery
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 24:

Apking
Beyer
Carsten
Chambers
Chronister
Clark
Cullan
DeCamp
Dworak
Fenger
Goll
Haberman
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Nichol
Peterson, H.
Pirsch
Remmers
Stoney
Vickers
Warner

Present and not voting, 2:

Marvel	Peterson, R.

Excused and not voting, 2:

Hoagland	Schmit

Absent and not voting, 1:

Beutler

The Kahle motion lost with 20 ayes, 24 nays, 2 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 707	Tuesday, February 16, 1982	1:30 p.m.
LB 743	Tuesday, February 16, 1982	1:30 p.m.
LB 876	Wednesday, February 17, 1982	1:30 p.m.
LB 581	Wednesday, February 17, 1982	1:30 p.m.
LB 878	Wednesday, February 17, 1982	1:30 p.m.
LB 614	Wednesday, February 17, 1982	1:30 p.m.
LB 816	Monday, February 22, 1982	1:30 p.m.
LB 822	Monday, February 22, 1982	1:30 p.m.
LB 898	Monday, February 22, 1982	1:30 p.m.
LB 963	Monday, February 22, 1982	1:30 p.m.
LB 916	Tuesday, February 23, 1982	1:30 p.m.
LB 954	Tuesday, February 23, 1982	1:30 p.m.
LB 734	Wednesday, February 24, 1982	1:30 p.m.
LB 846	Wednesday, February 24, 1982	1:30 p.m.
LB 964	Wednesday, February 24, 1982	1:30 p.m.

(Signed) Calvin F. Carsten, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 644. Placed on General File.
LEGISLATIVE BILL 739. Placed on General File.
LEGISLATIVE BILL 742. Placed on General File.

LEGISLATIVE BILL 852. Placed on General File as amended.
Standing Committee amendments to LB 852:

1. On page 10, strike beginning with "The" in line 24 through "in" in line 26 and insert "in determining any such additional votes of each director, consideration shall be given to the financial obligations to".

2. Strike section 10 and insert the following new section:

"Sec. 10. Any joint authority created pursuant to this act which is itself engaged in the generation, transmission, or sale of electrical energy, at wholesale or retail, or which is itself engaged in the construction, maintenance, expansion, improvement, or operation of a power generating plant or other facility for the production of electrical energy shall comply with the restrictions contained in Chapter 70, article 10, and the provisions of sections 70-624 to 70-680.".

(Signed) Maurice A. Kremer, Chairperson

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 623. Title read. Considered.

Mr. DeCamp requested to have LB 623 passed over.

LEGISLATIVE BILL 606. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 579. Title read. Considered.

Standing Committee amendments found in the Journal on page 435 for the Fourteenth Day were adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 703. Title read. Considered.

Standing Committee amendment found in the Journal on page 437 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Kahle moved to amend by striking the committee amendment and inserting his pending amendment, Req. #2596, found in the Journal on page 547.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 590. Mr. Beutler requested to have LB 590 passed over.

LEGISLATIVE BILL 590A. Mr. Beutler requested to have LB 590A passed over.

LEGISLATIVE BILL 705. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 718. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 724. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 677. Title read. Considered.

Standing Committee amendment found in the Journal on page 469 for the Sixteenth Day was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

Standing Committee amendments found in the Journal on page 469 for the Sixteenth Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 659. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 778. Title read. Considered.

Messrs. Beutler and Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Burrows moved to indefinitely postpone LB 778.

The Burrows motion lost with 5 ayes, 30 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 3 nays, 14 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following in the Journal. No objections. So ordered.

KEARNEY STATE COLLEGE
Kearney, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1966, Resolution dated June 15, 1966, states that the Board may expend funds from the Kearney State College Surplus Fund "to make any extraordinary repairs, renewals, replacements, renovations, equippings and furnishings to the Facilities," and,

WHEREAS, certain repairs, remodeling, and furnishings are required in the revenue bond facilities at Kearney State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with The United States National Bank of Omaha, Omaha, Nebraska, Trustee, as of December 31, 1981, the amount of $1,548,322.76 in the Series 1966 Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated June 15, 1966, does and hereby directs The United States National Bank of Omaha, Omaha, Nebraska, to pay appropriate orders out of the Series 1966 Surplus Fund for the following:

1) College Heights - Incandescent Lighting - $20,500
2) Centennial Towers East - Incandescent Lighting - 23,000
3) Mantor Hall - Incandescent Lighting - 20,250

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting on January 15, 1982.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 15th day of January, 1982.

(Signed) Richard Bringelson
Board of Trustees of the
Nebraska State Colleges

ANNOUNCEMENT

Speaker Marvel announced LB 717 be set on Special Order February 17, 1982.

UNANIMOUS CONSENT - Print in Journal

Messrs. Wagner and Kahle asked unanimous consent to print the following amendment to LB 696 in the Journal. No objections. So ordered.

1. On page 2, line 9, strike "Nebraska Veterans' Aid Fund" and insert "Institutional Cash Fund for the Nebraska Veterans' Homes".

NOTICE OF COMMITTEE HEARING
Judiciary

LB 569 Wednesday, February 17, 1982 1:30 p.m.

(Signed) William E. Nichol, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 827. Placed on General File as amended.
Standing Committee amendment to LB 827:

1. On page 2, line 3, after "Except" insert "(1)"; in line 5 after "79-2650.03" insert "or (2) for new capital construction at a campus which is part of an area which includes a city of the metropolitan class and includes an old military installation with buildings which are in need of replacement, which has a total cost of not more than four million dollars, and for which bid letting will be accomplished by January 1, 1984"; strike the new matter in lines 6 and 7; in line 7 strike "(1)" and insert "~~(1)~~(a)"; in line 8 strike "(2)" and insert "~~(2)~~(b)"; and in line 9 strike "(3)" and insert "~~(3)~~(c)".

(Signed) Jerry Koch, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 647. Placed on General File.
LEGISLATIVE BILL 696. Placed on General File.
LEGISLATIVE BILL 767. Placed on General File.

LEGISLATIVE BILL 681. Placed on General File as amended. Standing Committee amendment to LB 681:

1. On page 2, line 20, strike “five” and reinstate the stricken matter; and after line 22, insert “Such incentive payments may also consist of payments to members of the Nebraska Army National Guard and Air National Guard who recruit others to enlist in such units, except that such payments shall not exceed the amount of seventy-five dollars for each recruitment.”.

LEGISLATIVE BILL 744. Placed on General File as amended. Standing Committee amendment to LB 744:

On page 2, line 5, strike “may” and insert “shall”.

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 139 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike section 8 and insert the following new section:

“Sec. 8. (1) A prepaid dental service corporation shall deposit with the director securities eligible for deposit by an insurance company which shall have at all times a market value of not less than fifty thousand dollars or an amount as provided by subsection (7) of this section. A deposit under this section shall be held to assure the faithful performance of the corporation’s obligations under its prepaid dental service plan.

(2) In lieu of any deposit of securities required under subsection (1) of this section, a prepaid dental service corporation may file with the director a surety bond in the amount of fifty thousand dollars or an amount as provided by subsection (7) of this section. The bond shall be one issued by an insurance company authorized to do business in the State of Nebraska. The bond shall be for the same purposes as the deposit in lieu of which it is filed and it shall be subject to the director’s approval. No such bond shall be canceled or subject to cancellation unless at least thirty days’ advance notice thereof, in writing, is filed with the director.

(3) Securities or a bond posted by a prepaid dental service corporation pursuant to subsection (1) or (2) of this section shall be for the benefit of and subject to action thereon in the event of insolvency of

the corporation by any person or persons sustaining an actionable injury due to the failure of the corporation to faithfully perform its obligations under its prepaid dental service plan.

(4) The State of Nebraska shall be responsible for the safekeeping of all securities deposited with the director under this section. The securities shall not, on account of being in this state, be subject to taxation.

(5) The depositing corporation shall, during its solvency, have the right to exchange or substitute other securities of a like quality and value for securities on deposit, to receive the interest and other income accruing on such securities, and to inspect the deposit at all reasonable times.

(6) The deposit or bond shall be maintained unimpaired as long as the corporation continues to offer a prepaid dental service plan in this state. Whenever the corporation ceases to offer a prepaid dental service plan and furnishes to the director proof satisfactory to the director that the corporation has adequately provided for all of its obligations under its prepaid dental service plans in this state, the director shall release the deposited securities on presentation of the director's receipts for such securities or shall release any bond filed in lieu of such deposit.

(7) The director may reduce the minimum market value of securities required under subsection (1) of this section or the amount of the surety bond required under subsection (2) of this section if the director finds that the reduction is justified by:

(a) The terms and number of existing contracts under its prepaid dental service plans;

(b) Support by financially sound public or private organizations or agencies;

(c) Agreements with dentists or other providers for the provisions of dental services;

(d) Agreements with other persons for insuring the payment of the cost of dental services or the provision for alternative coverage in the event the corporation is unable to perform its obligations; or

(e) Other reliable financial guarantees.

(8) No part of the securities or bond to be filed under this section shall be supplied directly or indirectly by dues payments made for the purpose of meeting requirements to practice a profession.".

MOTION - Reconsider LB 413

Mr. Chambers moved to reconsider the final reading vote on LB 413.

Laid over.

NOTICE OF COMMITTEE HEARING
Rules

Thursday, February 18, 1982 12:00 noon
Rule change proposal by Sen. Fenger, J. page 421, and rule change proposal by Sen. Warner, J. page 451.

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 573. Placed on General File as amended.
Standing Committee amendments to LB 573:
Req. #2626

1. Strike the original sections and insert the following new sections:

"Section 1. That section 75-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-609. ~~All~~ Except as provided in section 2 of this act, all rates for local telephone service and for intrastate long distance telephone service shall be prescribed by the commission. In determining the valuation of telephone property for the purpose of fixing fair and reasonable rates, the commission shall give consideration to the current value of such property and to such other factors as may be just and reasonable.

Where two or more telephone companies jointly furnish such local or long distance service, the revenues from such jointly-furnished service shall be divided in such manner as may be agreed upon between the companies furnishing such service. In the event of inability to agree, any one of the companies jointly furnishing such local or long distance service may file an application with the commission requesting that the commission enter an order prescribing an equitable division of revenues from such jointly-furnished service. The order entered pursuant to such application may be appealed from by any party to the proceeding in the same manner as from other orders of the commission.

Sec. 2. (1) Telephone companies which serve less than five thousand subscribers within the state shall not be subject to rate regulation by the Public Service Commission pursuant to section 75-609 unless the company elects by action of its board of directors to be subject to such rate regulation by the commission or unless five per cent of the subscribers petition the commission to regulate rates pursuant to subsection (3) of this section.

(2) Each such telephone company not subject to rate regulation shall, at least sixty days before the effective date of any proposed rate change, notify the commission and each of the company's subscribers of the proposed rate change. Notice to the commission shall include a list of the company's published subscribers. Notice by the company to all subscribers shall be in a form prescribed by the commission, shall be by first-class mail, and shall include a schedule of the proposed rates, the effective date of the rates, and the procedure necessary for the subscribers to petition the commission to determine rates in lieu of the proposed rates. If the telephone directory published by the company for its subscribers sets forth the procedure for petitioning the commission, a reference to the location in the directory shall be adequate notice of the procedure.

(3) The subscribers of a telephone company not subject to the commission's rate regulation may petition the commission to determine rates in lieu of any rates proposed by the company. The commission shall adopt and promulgate rules and regulations governing the form of such petitions and a petition substantially in compliance with such rules and regulations shall not be deemed invalid due to minor errors in its form.

(4) If by the effective date of the company's proposed rate change, the commission has received petitions from fewer than five per cent of the subscribers requesting that the commission determine rates, the commission shall certify such fact to the company and the company's proposed rates shall become effective as published in the notice to subscribers. If on or before the effective date of the proposed rate change the commission has received petitions from five per cent or more of the subscribers requesting that the commission determine rates, the commission shall notify the company that it will determine rates for the company in lieu of the company's proposed rates. Rates established by the commission or by a telephone company purusant to this section shall be in force for not less than one year.

Sec. 3. That section 75-610, Revised Statutes Supplement, 1980, be amended to read as follows:

75-610. Any telephone company, or manager thereof, failing or neglecting to comply with the provisions of sections 75-607 to 75-609 or section 2 of this act, or who shall violate any of the provisions of ~~said~~ such sections, shall, be guilty of a Class IV misdemeanor.

Sec. 4. That original section 75-609, Reissue Revised Statutes of Nebraska, 1943, and section 75-610, Revised Statutes Supplement, 1980, are repealed.".

LEGISLATIVE BILL 633. Placed on General File as amended. Standing Committee amendments to LB 633:

1. On page 4, line 15, after "of" insert "specific"; in line 16 after "charges" insert "for telephone service"; in line 17 strike "seven" and insert "six" and after "months" insert "and thirty days"; in line 19, strike "in whole or in part" and insert "in an amount not to exceed seventy-five per cent of the total amount of the application"; and strike beginning with "If" in line 22 through line 27 and insert "When making its final determination on the application, the commission shall not consider the rates and charges of the company put into effect pending such final determination.".

2. On page 5, line 1, strike beginning with "expiration" through the period.

(Signed) Maurice A. Kremer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 779. Title read. Considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment found in the Journal on page 478 for the Sixteenth Day was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 662 in the Journal. No objections. So ordered.

1. Insert the following new section:

“Sec. 2. Notwithstanding any other provision of law, the sheriff shall not perform the duties of jailer or have any duties or responsibilities regarding the attending of the jail, unless the sheriff elects to act as jailer.”.

2. Renumber original section 2 as section 3.

VISITORS

Visitors to the Chamber were students and teacher from Omaha South High School.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Tuesday, February 9, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 9, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 9, 1982

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Donald Nunnally, Pastor of Calvary United Methodist Church, Lincoln, Nebraska.

MR. CLARK PRESIDING

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Messrs. Chambers, Haberman, Hoagland, Koch, Newell, Nichol, R. Peterson, Schmit, Sieck, Vickers, Miss Kilgarin, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

ATTORNEY GENERAL'S OPINIONS

February 8, 1982

Dear Senator DeCamp:

You have requested our opinion on the provisions of Neb.Rev.Stat. §49-1490 (1981 Supp.). We have this date issued an opinion to the Nebraska Accountability and Disclosure Commission regarding their attempted adoption of a rule and regulation under this statute. We enclose a copy of that opinion and believe that it answers all of the questions you have raised in your inquiry.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:jmf
j5
Enclosure.
cc: Patrick O'Donnell
Clerk of the Legislature

February 4, 1982

Thomas F. Burke, Executive Director
Accountability and Disclosure Commission
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Burke:

We return with this letter, without our approval, your proposed rules for Chapter 6 of the Rules and Regulations of the Nebraska Accountability and Disclosure Commission.

We direct your attention to Rule 007 .07 .07A. The primary thrust of this rule may be described as intending to prohibit a contribution, to a public official of the legislative or executive branches, a member of their immediate family, or a member of their staff, exceeding $25 in any one month period for a campaign as a campaign contribution for such an individual. Also prohibited are services of a lobbyist or a principal in the value of more than $25 in any one month period, including services to solicit or collect campaign contributions for such an individual. The rule also prohibits a principal or lobbyist from rendering such services. There is an exception for a principal, which is a corporation, labor organization, industry, trade or professional association authorizing them to render campaign services.

The predicate for adopting this rule is Neb.Rev.Stat. §49-1490 (1981 Supp.). The Legislature in the 1981 Session adopted LB 134, which in Section 4 amended §49-1490 to include in the definition of gift, a campaign contribution from a lobbyist. Prior to this amendment, §49-1490(1) prohibited a principal or a lobbyist from giving a gift to an official or to a member of the official's staff in either executive or legislative branches of state government. It provided a misdemeanor penalty for violation of that section. Subsection (2) prohibited an official in an executive or legislative branch, a member of his staff or immediate family from accepting a gift in violation of Section 1 of §49-1490, also making that a misdemeanor criminal offense. Subsection (3), prior to the amendment, read:

> (3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, honorarium, or the rendering or deposit of money, services, or anything of value, the value of which exceeds ten dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not include:
>
> (a) A campaign contribution otherwise reported as required by law. . .

That subsection now reads:

> (3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, honorarium, campaign contribution from a lobbyist, or the rendering or deposit of money, services, or anything of value, the value of which exceeds twenty-five dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not include:
>
> (a) A campaign contribution otherwise reported as required by law, except as otherwise provided in this subsection. . . (Emphasis added.)

Thus, although it is clear that your agency had a statutory predicate for adopting the rule above referred to, it is our view that the statutory predicate offends several constitutional provisions and thus is insufficient authority for the adoption of the rule proposed by the commission. For that reason, we must reject the rule.

We believe that this rule offends the First Amendment of the Federal Constitution, the Due Process and Equal Protection provisions of the Federal Constitution, and Article III, Section 18 of the Nebraska Constitution.

We believe that some examples will suffice to show the invalidity of the statute. Under the statute and under the rule, an individual seeking an elective position who was employed as a legislative staff member would commit a misdemeanor act if they received, solicited or accepted a campaign contribution in excess of $25 from a lobbyist. The opponent of such an individual who was not employed in state government, seeking the same elective office, would be authorized to receive, accept, or solicit a campaign contribution in a greater amount from the same class of people. Another example would be that a state officer who was an incumbent would be limited to receiving from lobbyists contributions of $25 per month, whereas the opponent of such an individual could receive, accept, and solicit from the same individuals substantially greater funds. Any state elected official who sought any non-state office would also be limited as described above while an opponent of such an individual who was not a state officer would not be so limited.

Of course, the converse of these examples are also true. That is, a lobbyist or principal would be restricted from supporting political candidates based on the question of whether they were state, executive or legislative officials, members of their staff or immediate families, as opposed to other candidates who were not members of such class.

These examples will serve to illustrate the problems which have been pointed out by the number of cases which have considered similar matters involving other states' limitations upon political participation. The United States Supreme Court in Buckley v. Valeo, 424 U.S. 1, 46 L.Ed.2d 659, held that the First Amendment prohibited Congress from enacting laws which unconstitutionally limit the amount that could be spent in an election campaign. While the court also upheld contribution limitations in that case, those limitations applied equally to all candidates and were not based upon the classification of whether the candidate for elective office was a state, executive, or legislative official, member of a staff of such an individual or the family of such an individual. Recently, the United States Supreme Court upon an equal division, affirmed the decision of a three judge panel of the District Court for the District of Columbia, which found unconstitutional a restriction on the expenditures authorized by independent political committees. See, Common Cause v. Schmitt, 512 F. Supp. 489 (1980), and 42 CCH Supreme Court Bulletin, Page B 1049. The Supreme Court recently in Citizens Against Rent Control v. City of Berkly, held that a campaign limitation of $250 to political committees was an unconstitutional invasion of associational freedom and First Amendment rights as guaranteed by the Federal Constitution. 42 CCH Bulletin, B 610.

A number of other cases have considered similar issues and many of them are collected in an annotation found at 94 A.L.R.3d 994, State Regulation Of The Giving Or Making Of Political Contributions Or Expenditures By Private Individuals.

While many of these cases and many other cases have upheld specific types of regulation with respect to campaign limitations, all of them require that the matters be strictly and carefully drawn to deal with evils which are to be suppressed. Those evils are generally recognized as undue influence by special interest groups, preserving the integrity of governmental operations and preserving the apprearance of integrity in the political process. However, all courts which have dealt with these issues have indicated that such prohibitions must stand a strict scrutiny test. We believe that the strict scrutiny test applied to §49-1490 (1981 Supp.) will result in its being found unconstitutional as a limitation not directed carefully and specifically to the evils which are thought to be remedied, but one which is over-broad and thus in conflict with the freedoms set forth in the First Amendment to the Constitution of the United States, and further in violation of Article III, Section 18 of the Nebraska Constitution.

In context of the Nebraska constitutional provision, the Nebraska Supreme Court has on a number of occasions indicated that classification must be based on some rational difference in situation. Here, from the examples we have set forth above, it is clear that there is no rational reason to differentiate as between candidates for non-state offices depending on whether or not they are in some manner associated with state, executive or legislative offices and candidates who are not so associated.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:jmf
Enclosure.
h4

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 255, 274, 402, 525, 589, 598, 646, and 649.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 255

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 255:

1. On page 2, line 7, and page 3, line 5, the underscoring has been removed.

2. In E & R amendment 2, lines 3 and 4, " 'seven hundred fifty thousand' " has been stricken and " '~~five~~ seven hundred fifty thousand' " inserted.

3. In lieu of the Hefner amendment 1, on page 2, line 9, strike "~~1978~~", strike "1981" and show as stricken, and insert "1982".

Enrollment and Review Changes to LB 274

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 274:

1. In the Remmers amendment, line 1, after "insurance" a comma has been inserted.
2. In the standing committee amendment in line 5, the comma has been stricken.

Enrollment and Review Changes to LB 589

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 589:

1. On page 2, line 23, an underscored comma has been inserted after "(3)".

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following in the Journal. No objections. So ordered.

CHADRON STATE COLLEGE
Chadron, Nebraska

RESOLUTION TO WITHDRAW FUNDS

WHEREAS, Section 3.10 of Article III of the Student Fees and Facilities Revenue Bonds, Series of 1965, Resolution dated January 1, 1965, states that the Board may expend funds from the Chadron State College Surplus Fund for purposes of "making any extraordinary repairs, renewals, replacements, renovations, equippings and furnishings to the Facilities," and,

WHEREAS, certain repairs remodeling and furnishings are required in the revenue bond facilities at Chadron State College in order to maintain the maximum use and occupancy of the facilities, and,

WHEREAS, there is on deposit with The United States National Bank of Omaha, Omaha, Nebraska, Trustee, as of December 31, 1981, $261,083.72 in the Surplus Fund, therefore,

BE IT RESOLVED that the Board of Trustees of the Nebraska State Colleges, in compliance with Section 3.10 of Article III of the Resolution dated January 1, 1965, does and hereby directs The United

States National Bank of Omaha, Omaha, Nebraska, to pay appropriate orders out of the Series 1965 Surplus Fund for the following:

1) Kline Campus Center
Mud-jack Floors on North Section - $19,000

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed acting Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of January 15, 1982.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 15th day of January, 1982.

(Signed) Richard Bringelson
Board of Trustees of the
Nebraska State Colleges

CHADRON STATE COLLEGE

RESOLUTION TO WITHDRAW FUNDS FOR PURCHASE OF BONDS

WHEREAS, Section 3.10 of the Chadron State College Resolution dated January 1, 1965, provides for the purchase or redemption of bonds prior to the stated maturities thereof, and

WHEREAS, there is an amount of $261,134.62 in the Surplus Account as of December 31, 1981, and

WHEREAS, bonds may be purchased on the open market at an advantageous price,

THEREFORE BE IT RESOLVED, that the Board of Trustees of the Nebraska State Colleges hereby approves the Trustee's action of purchasing on the open market the following bonds:

Maturity Date	Principal Amount	Interest Rate
07-01-88	25,000	4.625
07-01-89	25,000	4.625
07-01-90	25,000	4.625
07-01-91	25,000	3.700
07-01-92	25,000	3.700
	125,000	

Purchased Price	Accrued Interest	Total Cost
11,750.00	54.60	11,804.60
10,750.00	54.60	10,804.60
10,250.00	54.60	10,304.60
8,500.00	43.68	8,543.68
7,750.00	43.68	7,793.68
49,000.00	251.16	49,251.16

CERTIFICATE

I, the undersigned, Richard Bringelson, being duly appointed Secretary of the Board of Trustees of the Nebraska State Colleges, hereby certify that the foregoing Resolution was adopted in a regularly called meeting of January 15, 1982.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 15th day of January, 1982.

(Signed) Richard A. Bringelson
Board of Trustees Nebraska
State Colleges

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 828. Placed on General File.

LEGISLATIVE BILL 832. Placed on General File as amended.
Standing Committee amendments to LB 832:

1. On page 2, line 15, before “Any” insert “Sec. 2.”; in line 17, strike “therefor”; in line 19, strike “and multiple functions” and insert “. Multiple categories”; and in line 23, strike “functions” and insert “categories”.

2. On page 3, strike beginning with “In” in line 3 through the period in line 5.

3. Renumber original section 2 as section 3.

LEGISLATIVE BILL 802. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

MOTION - Withdraw LB 237

Mr. Wesely renewed his pending motion found in the Journal on page 546 to withdraw LB 237.

The motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 215. Read. Considered.

Messrs. Warner, Dworak, Fowler, Rumery, and Mrs. Marsh renewed their pending amendment found in the Journal on page 555.

Mr. Warner asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Mr. Carsten moved to lay over LR 215 and the Appropriations Committee amendment until the Revenue Committee reports to the floor all necessary revenue bills to effect the budget.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Dworak requested a record vote on the Carsten motion.

Voting in the affirmative, 27:

Beutler
Carsten
Chambers
Clark
Dworak
Fowler
Goodrich
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 16:

Apking
Barrett
Beyer
Chronister
Fenger
Goll
Haberman
Johnson, L.
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden

Present and not voting, 5:

Burrows
Cope
DeCamp
Duda
Higgins

Excused and not voting, 1:

Cullan

The Carsten motion prevailed with 27 ayes, 16 nays, 5 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 214. Read. Considered.

Mr. Chambers offered the following amendment:
In 7th Whereas, strike: "many millions of" and insert: "fifty million"

The amendment lost with 7 ayes, 14 nays, 27 present and not voting, and 1 excused and not voting.

Messrs. Newell and Duda moved to indefinitely postpone LR 214.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the Newell-Duda motion.

Voting in the affirmative, 34:

Apking
Barrett
Carsten
Clark
Cope
Duda
Dworak
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 14:

Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Kilgarin
Marsh
Marvel
Schmit
Vickers
Wagner
Wiitala

Excused and not voting, 1:

Cullan

The Newell-Duda motion prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to reconsider the vote killing LR 214.

MR. NICHOL PRESIDING

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 127A in the Journal. No objections. So ordered.

1. On page 2, line 13, strike "$23,766" and insert "$62,000"; and in line 14, strike "$25,430" and insert "$65,000".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 724 in the Journal. No objections. So ordered.

(a) Delete "or the highest appellate court of any other state," from lines 4 and 5, page 2; add "or" after the first comma in line 4, page 2.
(b) Delete Sections 8 and 9.
(c) At line 7, page 3, add the following new language:
"The Supreme Court shall determine whether to accept the certification request within 60 days following receipt by the Court of the request. If the Court fails to act on the request within 60 days of receipt, the request shall be deemed rejected."
(d) At line 14, page 3, add the following:
"The Supreme Court shall provide an expedited briefing and hearing process so that resolution of the accepted question may be promptly determined and justice not delayed."

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 869	Thursday, March 4, 1982 (cancel)	1:30 p.m.
LB 869	Thursday, February 18, 1982 (reset)	1:30 p.m.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 778 in the Journal. No objections. So ordered.

1. Page 2, line 12, following "basis," insert "if the lender also offers interest on deposits on a variable rate basis,"

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 636. Placed on General File as amended. Standing Committee amendment to LB 636:

1. On page 4, line 4, strike "(a)"; in line 7 strike "(b)" and insert "(2)"; and strike beginning with "including" in line 9 through "31-770" in line 12.

LEGISLATIVE BILL 823. Placed on General File as amended. Standing Committee amendment to LB 823:

1. On page 9, line 19, after "clerk" insert "or election commissioner".

(Signed) Dave Landis, Chairperson

Public Health and Welfare

LEGISLATIVE BILL 834. Placed on General File.

(Signed) Samuel K. Cullan, Chairperson

Revenue

LEGISLATIVE BILL 591. Placed on General File.

(Signed) Calvin F. Carsten, Chairperson

Education

LEGISLATIVE BILL 520. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2635.)

(Signed) Jerry Koch, Chairperson

UNANIMOUS CONSENT - Withdraw Name

Mr. Sieck asked unanimous consent to withdraw his name from LB 954. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 115, 115A, 131, 255A, 274A, 287, 314, 440, and 454.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 274A

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 274A:

In the DeCamp amendment adopted 2/5/82, a comma has been inserted after "1983" in lines 4 and 7, and after "1982" in line 5.

Enrollment and Review Changes to LB 454

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 454:

1. In the Carsten/Warner amendment, request 2556, page 3, "to provide operative dates;" has been inserted immediately after the first semicolon in line 5.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 217. Read. Considered.

Mr. Koch requested a record vote on the adoption of LR 217.

Voting in the affirmative, 35:

Apking
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Landis
Marvel
Newell
Nichol
Peterson, H.
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 11:

Barrett
Burrows
Duda
Goodrich
Johnson, V.
Kilgarin
Lamb
Marsh
Pirsch
Sieck
Wagner

Excused and not voting, 3:

Clark
Cullan
Peterson, R.

LR 217 was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE RESOLUTION 218. Read. Considered.

Mr. DeCamp asked unanimous consent to refer LR 218 to the Reference Committee for reference to an appropriate committee for hearing. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 623. Title read. Considered.

Miss Kilgarin asked unanimous consent to withdraw her pending amendment found in the Journal on page 559. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw the Standing Committee amendments, Req. #2565, referred to in the Journal on page 428 and considered on page 558. No objections. So ordered.

Mr. DeCamp offered the following amendment:

1. Strike original sections 1 to 4, 6 to 9, and 11 to 17 and all amendments thereto.

2. On page 6, line 23, strike the new matter.

3. On page 8, line 7, strike "or" and show as stricken; in line 11 strike the period, show as stricken, and insert "; or"; and after line 11 insert the following new subdivision:

"(10) Loans made primarily for business or agricultural purposes or loans secured by a mortgage on real estate when such loans are made by a licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance or by any banking or savings and loan association chartered by the United States or and Farmers Home Administration or Veterans' Administration approved lender".

4. On page 11, strike beginning with "The" in line 19 through the period in line 23.

5. Insert a new section as follows:

"Sec. 3. That original section 45-101.04, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

6. Renumber original sections 5 and 10 as sections 1 and 2 respectively.

The amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Mr. Burrows moved to indefinitely postpone LB 623.

Mr. Cope asked unanimous consent to be excused. No objections. So ordered.

Mr. Burrows requested a record vote on his motion.

Voting in the affirmative, 4:

Burrows
Dworak
Fowler
Kahle

Voting in the negative, 33:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
DeCamp
Duda
Fenger
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.

Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Wesely
Wiitala

Present and not voting, 8:

Chambers
Goll
Johnson, V.
Newell
Pirsch
Sieck
Vickers
Warner

Excused and not voting, 4:

Clark
Cope
Cullan
Higgins

The Burrows motion lost with 4 ayes, 33 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTE

Had I been present, I would have voted for LR 217.

(Signed) Harold F. Sieck

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 709. No objections. So ordered.

VISITORS

Visitors to the Chamber were Lisa Ann Walker, Nebraska Junior Miss; 40 students and instructor from York College; and Senator Higgins' sisters, Mrs. Robert Young from Sloane, Iowa and Mrs. Sam Howell from Omaha.

ADJOURNMENT

At 12:02 p.m., on a motion by Mrs. Apking, the Legislature adjourned until 9:00 a.m., Wednesday, February 10, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 10, 1982

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 10, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 10, 1982

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rabbi Bisman, Tiffereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused; and Messrs. Burrows, Chambers, Clark, Hoagland, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of Legislative Resolution 218.

LR	**Committee**
218	Banking, Commerce and Insurance

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

MESSAGES FROM THE GOVERNOR

February 9, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 264, 309, 347, 403, 418, 563, 564, 565, 566, and 572 were received in my office on February 4, 1982.

These bills were signed by me on February 9, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

February 9, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 32, 229, 490, and 492 were received in my office on February 4, 1982.

These bills were signed by me on February 8, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

February 9, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 542 was received in my office on February 4, 1982.

This bill was signed by me on February 9, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 642. Placed on General File.
LEGISLATIVE BILL 774. Placed on General File.

LEGISLATIVE BILL 797. Placed on General File as amended.
Standing Committee amendment to LB 797:

1. On page 4, line 21, strike "fifteen" and insert "~~fifteen~~ twenty-five".

(Signed) Jerry Koch, Chairperson

UNANIMOUS CONSENT - Corrected Standing Committee Report

Mr. Kremer asked unanimous consent to have a corrected Standing Committee Report printed in the Journal to LB 852. No objections. So ordered.

Strike the committee amendments on page 585 of the Journal and insert the following:

1. On page 9, lines 6, 18, and 20, strike "petition" and insert "application".
2. On page 10, line 1, strike "district" and insert "joint authority"; and strike beginning with "The" in line 24 through "in" in line 26 and insert "In determining any such additional votes of each director, consideration shall be given to the financial obligations to".
3. On page 16, lines 10 and 26, strike "section 11" and insert "sections 10 and 13".
4. On page 17, line 12, after "use" insert "the same rights granted in"; in line 13, strike ", in the same manner"; and in line 14, strike "obtained" and insert "would have under".

5. Strike section 10 and insert the following new section:

"Sec. 10. Any joint authority created pursuant to this act which is itself engaged in the generation, transmission, or sale of electrical energy, at wholesale or retail, or which is itself engaged in the construction, maintenance, expansion, improvement, or operation of a power generating plant or other facility for the production of electrical energy shall comply with the restrictions contained in Chapter 70, article 10, and the provisions of sections 70-624 to 70-680.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 879. Placed on General File as amended.
Standing Committee amendment to LB 879:

1. On page 2, line 10, strike "An additional" and insert "A"; in line 11, strike "all"; and strike beginning with "begins" in line 12 through the end of line 13 and insert "requires work between 6:00 p.m. and 6:00 a.m. Such shift differential shall be paid only for those hours worked between 6:00 p.m. and 6:00 p.m.".

(Signed) Martin Kahle, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 217.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 606. Placed on Select File.
LEGISLATIVE BILL 579. Placed on Select File.

LEGISLATIVE BILL 703. Placed on Select File as amended.
E & R amendment to LB 703:

1. In the title, line 3, insert "and section 23-343.01, Revised Statutes Supplement, 1981," after the second comma; in line 5 insert "to provide for contents of reports;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 705. Placed on Select File.
LEGISLATIVE BILL 718. Placed on Select File.
LEGISLATIVE BILL 719. Placed on Select File.

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendments to LB 724:

1. On page 2, line 21, strike the comma.
2. On page 3, line 5, strike the first comma.

LEGISLATIVE BILL 677. Placed on Select File.

LEGISLATIVE BILL 722. Placed on Select File as amended.
E & R amendment to LB 722:

1. In the title, strike beginning with "to" in line 9 through the semicolon in line 11.

LEGISLATIVE BILL 659. Placed on Select File.

LEGISLATIVE BILL 764. Placed on Select File as amended.
E & R amendment to LB 764:

1. In the title, line 2, strike the second "Revised".

LEGISLATIVE BILL 778. Placed on Select File as amended.
E & R amendment to LB 778:

1. On page 2, line 14, strike the comma.

LEGISLATIVE BILL 779. Placed on Select File as amended.
E & R amendments to LB 779:

1. On page 4, strike beginning with "investment" in line 3 through "to" in line 4.
2. In the title, line 6, after the semicolon insert "to change provisions relating to bank borrowing;".

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday, February 11, 1982. No objections. So ordered.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 648. Placed on General File.
LEGISLATIVE BILL 678. Placed on General File.

LEGISLATIVE BILL 668. Placed on General File as amended.
Standing Committee amendment to LB 668:

1. On page 2, strike beginning with "shall" in line 5 through the period in line 17 and insert "or farm operation shall mean any tract of land over ten acres in area used for or devoted to the commercial production of farm products; and"; and in line 18, strike "(3)" and insert "(2)".

LEGISLATIVE BILL 713. Placed on General File as amended.
Standing Committee amendment to LB 713:

1. Insert the following new section:

"Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 215. E & R amendment found in the Journal on page 315 for the Ninth Day was adopted.

Mr. V. Johnson asked unanimous consent to withdraw the V. Johnson-Landis pending amendment, Req. #2513, found in the Journal on page 297. No objections. So ordered.

Messrs. V. Johnson, Landis, and Chronister offered the following amendment:

1. Insert the following new section:

"Sec. 2. That section 43-247, Revised Statutes of Nebraska, 1981, be amended to read as follows:

43-247. The separate juvenile courts and county courts sitting as juvenile courts shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen and, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5) and (6) of this section. The separate juvenile courts and county courts sitting as juvenile courts or otherwise shall have concurrent original jurisdiction with the district court and municipal courts as to any juvenile defined in subdivision (2) of this section, any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen, and any juvenile defined in subdivision (4) of this section. Notwithstanding any disposition entered by the juvenile court under the provisions of sections 43-245 to 43-2,129, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act which would constitute a misdemeanor or an infraction other than a traffic offense infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; or who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistance, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile; or (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian who has custody of any juvenile described in this section; ~~and~~

(6) The proceedings for termination of parental rights as provided in sections 43-245 to 43-2,129~~.~~ ; and

(7) The proceedings for termination of parental rights as provided in section 42-364.

2. On page 3, line 20, after the comma insert "the court shall transfer jurisdiction to a juvenile court established pursuant to Chapter 43, article 2, unless a

showing can be made that the district court is a more appropriate forum. In making such determination the court may consider such factors as cost to the parties, undue delay, congestion of dockets, and relative resources available for investigative and supervisory assistance. If no such transfer is made”.

3. On page 5, line 22, strike “is” and insert “and section 43-247, Revised Statutes Supplement, 1981, are”.

4. In the title line 3, after the second comma insert “and section 43-247, Revised Statutes Supplement, 1981,; and in line 5, after the semicolon insert “to change provisions relating to juvenile court as prescribed;”.

5. Renumber original section 2 as section 3.

6. Renumber section 3 added by the committee amendment as section 4.

The amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 304. Mr. Beutler offered the following amendment:

Amend LB 304 by inserting after the word “distribution” in line 18, page 6 the following language;

“, by publication in a legal newspaper of general circulation in the state,”

also, to amend on line 25 by striking the word “ten” and inserting the word “two” on line 25.

Mr. Beutler moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Apking
Beutler
Carsten
Chronister
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Pirsch
Remmers
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Beyer
Clark
Cope
Fenger
Goll
Hefner
Johnson, L.
Lamb
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Rumery
Stoney
Von Minden
Warner

Excused and not voting, 3:

Burrows
Chambers
Cullan

The amendment was adopted with 28 ayes, 18 nays, and 3 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

Mr. Rumery asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 410. E & R amendments found in the Journal on page 350 for the Tenth Day were adopted.

Mr. Landis offered the following amendment:

1. Strike amended section 1 and insert the following new section:

"Section 1. That section 48-633, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-633. ...(3) Recognizing that a clear separation of functions and the protection of fair and impartial hearings are fundamental to the integrity of the adjudicative process, administrative oversight of the appeal tribunal and its administrative law judges shall be the non-delegable function of the commissioner. The commissioner shall provide the appeal tribunal with proper facilities and assistants for the execution of their functions."

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CLARK PRESIDING

Mr. V. Johnson renewed his pending amendment, Req. #2571, found in the Journal on page 460.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 278. E & R amendments found in the Journal on page 351 for the Tenth Day were adopted.

Messrs. Goodrich and Beutler renewed their pending amendment found in the Journal on page 417.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. E & R amendments found in the Journal on page 351 for the Tenth Day were adopted.

Mr. Beutler asked unanimous consent to withdraw his pending amendment found in the Journal on page 289. No objections. So ordered.

Mr. Beutler renewed his pending amendment found in the Journal on page 472.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Dworak
Fowler
Goll
Goodrich
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Pirsch
Rumery
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Clark
DeCamp
Duda
Haberman
Hefner
Hoagland
Kremer
Labedz
Lamb
Marvel
Newell
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 2:

Fenger	Higgins

Excused and not voting, 2:

Cullan	Nichol

The Beutler amendment was adopted with 26 ayes, 19 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Speaker Marvel announced LB 827 be set on Special Order Thursday, February 18, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LR 218 in the Journal. No objections. So ordered.

1. In the last line of the last "whereas," strike "return to the gold standard" and insert "establish a grain standard."
2. In section 1 of the "resolved" section, lines 2 and 3, strike "restore the gold standard" and insert "establish a grain standard."

MOTION - Place LB 300 on General File

Mr. Fowler moved to place LB 300 on General File, pursuant to Rule 3, Section 18(b).

Laid over.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 775. Placed on General File.
LEGISLATIVE BILL 776. Placed on General File.
LEGISLATIVE BILL 826. Placed on General File.
LEGISLATIVE BILL 951. Placed on General File.
LEGISLATIVE BILL 952. Placed on General File.
LEGISLATIVE BILL 961. Placed on General File.

(Signed) John W. DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 126. Messrs. Sieck, L. Johnson, and Beutler offered the following amendment:

Req. #2636

1. Insert the following new section:

"Sec. 3. That section 28-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-515. (1) A person commits theft if he or she obtains services which he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions, and use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(2) A person commits theft if, having control over the disposition of services of others, to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

(3) Any person who makes or possesses any device, instrument, apparatus, or equipment designed or which can be used to obtain telecommunications service fradulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or who sells, gives or otherwise transfers to another, or offers or advertises for sale, any such device, instrument, apparatus, or equipment, or plans or instructions for making or assembling the same, under circumstances evincing an intent to use or employ such device, instrument, apparatus, or equipment, or to allow the same to be used or employed, for a purpose described in this subsection, or knowing or having reason to believe that the same is intended to be used, or that the plans or instructions are intended to be used, for making or assembling such device, instrument, apparatus, or equipment is guilty of a Class II misdemeanor.".

2. In the committee amendments found on page 909 of the 1981 Journal, on page 1, line 8, strike "3" and

insert "4".

3. In the committee amendments on page 3, lines 17 and 24, strike "3" and insert "4".

4. In the committee amendments on page 5, line 17, strike "and" and insert a comma; and in line 18, after the first comma insert "and 28-515,".

5. In the title, strike lines 2 to 4 and insert: "FOR AN ACT to amend sections 28-509, 28-510, and 28-515, Reissue Revised Statutes of Nebraska, 1943,"; and in line 7 after the first semicolon insert "to redefine certain theft provisions;".

6. Strike E and R amendments 4.

7. Renumber sections 3 to 5 as sections 4 to 6 respectively.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
Strike Sec. 3 (2).

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler
Burrows
Chambers
Dworak
Fowler
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Wesely
Wiitala

Voting in the negative, 32:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 3:

Higgins	Kremer	Sieck

Excused and not voting, 2:

Cullan	Nichol

The amendment lost with 12 ayes, 32 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

ANNOUNCEMENTS

Mr. Goll designates LB 909 as his priority bill.

Mrs. Higgins designates LB 768 as her priority bill.

Mr. Barrett designates LB 668 as his priority bill.

MOTION - Withdraw LB 575

Mr. Rumery moved to withdraw LB 575.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 189
February 8, 1982

Dear Senator Lamb:

You have asked our opinion as to whether LB 954 is constitutional in its method of distributing $70,000,000 for property tax relief. The main provisions of the bill appear to pass constitutional muster, but there are some provisions dealing with bonds issued by technical community college areas which cause some concern, and probably should be amended or clarified.

Section 1 of the bill provides that for fiscal year 1982-83 the Legislature shall appropriate an additional $47,265,000 to the School Foundation and Equalization Fund, to be distributed pursuant to §79-1334. Neb.Rev.Stat. §79-1334 (Supp. 1981) provides for a somewhat complex system of distributing state aid to school districts based upon the number of pupils in each district in kindergarten, grades one through six, grades seven and eight, and grades nine through twelve, with each category getting a different rate of aid per pupil. We have no reason to believe that the different rates for the different grade levels are unreasonable, and distribution to the districts on a per-pupil basis is certainly not irrational. We have never suggested that the present distribution under §79-1334 is invalid, and simply adding more money to be distributed under that section would not have any effect on its constitutionality.

Sections 2 through 16 of the bill amend the statutory provisions dealing with technical community colleges. It changes the nature of the colleges, as reflected in the amendment of §79-2636. That section now describes them as locally governed and locally supported. Section 2 of the bill would amend this to describe them as state supported and locally managed. We will not attempt to analyze the other changes made in the management of the colleges, as these changes are not particularly germane to your concern.

Neb.Rev.Stat. §79-2650 (Supp. 1981) now authorizes a property tax levy for the support of technical community college areas. LB 954 would repeal this section, and section 15 of the bill provides that after the effective date of the bill, no property tax shall be levied by the area boards.

Section 9 of the bill provides that for fiscal year 1982-83 the Legislature shall appropriate $21,514,000 for the operation of the technical community college areas, and $2,221,000 for the redemption of outstanding bonds of the colleges. It also provides that each year thereafter the Legislature shall appropriate such sums as are necessary for the operation of the technical community college areas. Section 6 requires the board of each technical community college area to submit a budget to the state board for its approval. Section 8 requires the approval of the state board of such budgets, and section 14 requires the state board to submit the budgets to the Director of Administrative Services, and provides for appropriations by the Legislature for the support of each college area.

Article VII, Section 1, of the Constitution provides that the Legislature shall provide for the free instruction in the common schools of all persons between the ages of five and twenty-one years, and may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof. There is no question but that an appropriation for the support of the technical community college areas is for a public purpose. If the Legislature decides that they should be supported out of the state treasury rather than by local property tax levies, that is a matter addressed to the discretion of the Legislature.

Section 15 of the bill provides in part:

> Whenever any technical community college area has contracted to redeem bonds used for the construction or acquisition of facilities, the State Board of Technical Community Colleges shall redeem the bonds in accordance with the provisions of the bonds unless such provisions prohibit redemption by any entity other than the original issuer. If bond provisions prohibit redemption by the state board, the bonds shall be redeemed by the issuing entity, and an agreement shall be entered into between such entity and the state board under which the state board shall compensate the issuing entity for the value of the bonds being redeemed.

If this language is construed to constitute an assumption of liability for the payment of the bonds by the state, it is in violation of Article XIII, Section 1, of the Nebraska Constitution. We believe that the state could voluntarily pay off the bonds, so long as it did not assume any legally binding obligation to do so. The first paragraph of section 15, in saying that the State Board of Technical Community Colleges "shall redeem" the bonds, seems to give the force of law to the redemption of the bonds by that board, arguably enforceable by the holders of the bonds. This would violate Article XIII, Section 1. Clarification of this paragraph is necessary, to eliminate any such construction.

Neb.Rev.Stat. §79-2648 (Reissue 1976) authorizes the issuance of revenue bonds and general obligation bonds by area boards for specific purposes. It further provides that revenue bonds shall be subject to the provisions of §§79-1438.04 to 79-1438.12. Section 79-2650 (Supp. 1981) authorizes a tax levy for the purpose of providing a capital improvement fund and bond sinking fund as provided in §79-2648, with the power to levy such tax to expire on June 30, 1988. But LB 954 would repeal the authority to impose the tax to redeem the bonds, by the repeal of §79-2650, and the state would be under no legal obligation to appropriate money to redeem them, since, as previously shown, such a legal obligation is prohibited by our Constitution. The holders of the bonds would therefore have no legally enforceable means of securing payment of the bonds.

We believe that the repeal of the portion of §79-2650 authorizing a levy for the retirement of general obligation bonds before the redemption of all bonds issued in reliance upon it is prohibited by Article I, Section 10, of the Federal Constitution, which provides that no state shall pass a law impairing the obligation of contracts. We find this discussion of the subject in 156 A.L.R. at page 1266:

> After the issuance of bonds or other obligations of a municipality or political subdivision, any legislation which has

> the effect of withdrawing the taxing power of the obligor or of limiting or diminishing those powers to such an extent as to deprive it of the means of paying the outstanding obligations impairs the obligations of the contracts in violation of the Federal Constitution.

Numerous cases, including those of the United States Supreme Court, and two from Nebraska, Burlington & M. R. R. Co. in Nebraska v. Saunders County, 17 Neb. 318, 22 N.W. 560 (1885), and State v. Walsh, 31 Neb. 469, 48 N.W.263 (1891), are cited in support of that proposition.

Section 79-2648 also authorizes the issuance of revenue bonds which shall be subject to the provisions of §§79-1438.04 to 79-1438.12. These sections require that such bonds be paid out of revenue from buildings whose earnings are pledged to the redemption of the bonds. Obviously, the discussion about general obligation bonds applies here. The pledge of earnings of the designated buildings must continue in force, and, while the state can voluntarily appropriate money to redeem the bonds, it cannot bind itself to do so in the future.

We also note that the court may find that the operation of technical community colleges is once again a state function, under the amendments effected by LB 954. The court found that it was a state function in the case of State ex rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974), and that a tax levied for the support of such colleges violated Article VIII, Section 1A, of the Constitution. Heavy reliance was placed on the fact of state control and assumption of the primary burden of financial support. The Legislature then amended the act, and in State ex rel. Western Technical Community College Area v. Tallon, 196 Neb. 603, 244 N.W.2d 183 (1976), the court held the operation of the colleges was no longer a state function.

If the court were to hold it was once again a state function, the question would arise as to whether a tax levy to redeem bonds would violate Article VIII, Section 1A. In our opinion it would not. As previously shown, such a tax levy authorization is constitutionally mandated. The redemption of previously issued bonds is not a state function, if the purpose for which the bonds were issued was not a state function at the time of issuance. We would therefore be prepared to defend a tax levy for the redemption of bonds outstanding on the effective date of LB 954 from such an attack.

We must also point out one other possible constitutional problem that may arise under this bill. Article VII, Section 13, of the Nebraska Constitution provides that the general government of the state colleges as now existing, "and such other state colleges as may be established by law," shall be vested in a board, the composition and appointment of which is provided in the Constitution. Such a board, of course, now exists. However, section 7 of LB 954 creates a different board, called the State Board of Technical Community Colleges. Section 8 of the bill gives this board certain responsibilities with respect to the operation of the technical community colleges.

It certainly can be argued that LB 954 makes the technical community colleges "state colleges," as contemplated by Article VII, Section 13, and that therefore the general government of them must be under the present State College Board, instead of the board created by the act. Nothing in the act indicates that the present board has any hand at all in the "general government" of the technical community colleges. This may be held to be a constitutional violation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 190
February 9, 1982

Dear Senator Landis:

We have reviewed your February 2, 1982 letter concerning LB 115 and whether increasing the maximum benefits for workmen's compensation without a commensurate increase in minimum benefits is unconstitutionally discriminatory.

We do not think such action would necessarily violate either the United States or Nebraska Constitution. Generally, to satisfy the due process and equal protection clauses legislation need not be mathematically precise in its classification. Prendergast v. Nelson, 199 Neb. 97, 256 N.W.2d 657 (1977).

It appears that the rationale for a minimum benefit provision is at least, in part, to prevent the employee and his dependents from becoming public charges. Westcoatt v. Lilley, 134 Neb. 376, 278 N.W. 854. The rationale for a maximum benefit provision is obviously not the same. It probably is to simply limit the amount of damages an employer may be required to pay.

Since the rationale for the two provisions is obviously different, there appears to be no requirement that they be increased or decreased proportionately at the same time. They should each be analyzed independently and adjusted appropriately based on the rationale for each.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) John R. Thompson
Deputy Attorney General

JRT:kkh
cc: Patrick J. O'Donnell

SELECT FILE

LEGISLATIVE BILL 212. E & R amendments found in the Journal on page 390 for the Eleventh Day were adopted.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 481.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 7 nays, and 24 not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 3 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 212A. E & R amendment found in the Journal on page 531 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 467. Placed on General File as amended.
Standing Committee amendments to LB 467:
Req. #2557

1. Strike original sections 1 to 4 and insert the following new sections:

"Section 1. That section 33-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-114. Each county treasurer shall receive for and on behalf of the county for services rendered to other governmental subdivisions and agencies, ~~where~~ when fees for services rendered by him or her are not otherwise specifically provided, the following fees: (1) On all money collected by him or her for each fiscal year, not over six thousand dollars, ten per cent; for all sums over six thousand dollars and not over ten thousand dollars, four per cent; on all sums over ten thousand dollars, two per cent; (2) for the collection of all sums of money~~, general or bonded, of drainage, irrigation, or natural resources districts, one per cent of such sums so collected; and (3) for the collection of all sums of money for municipal taxes, general or special, including money for bond sinking fund, bond interest fund or special assessments for municipal improvements and school money, one per cent~~ for general or special ad valorem taxes, including money for bond sinking funds and bond interest funds, and school money, one per cent of the sums so collected; and (3) for all sums of money for special assessments levied by a political subdivision for improvements, one and one half per cent of the sums so collected. On all sums collected, such percentage shall be allowed but once. In computing the amount collected for the purpose of charging percentage, all sums from whatever fund derived shall be included together, except the school fund. The treasurer shall be paid in the same proportion from the respective funds of the state collected by him or her whether the same be in money or state warrants.

Sec. 2. Any city of the metropolitan, primary, first, or second class shall have authority to collect the special assessments which it levies and to perform all other necessary functions related thereto. The governing body of any city collecting its own special assessments shall direct that notice that special assessments are due be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

Sec. 3. That section 77-1701, Revised Statutes Supplement, 1981, be amended to read as follows:

77-1701. (1) The county treasurer shall be ex officio county collector of all taxes levied within the county. The county board ~~is authorized to~~ shall direct that a statement of the amount of taxes due and notice that special assessments are due, be mailed or otherwise delivered to the last-known address of the person, firm, association, or corporation against whom such taxes or special assessments are assessed. Failure to receive such statement or notice shall not relieve the taxpayer from any liability to pay such taxes or special assessments and any interest or penalties accrued thereon. In any county in which a city of the metropolitan class is located, all statements of taxes shall also include notice that special assessments for cutting weeds, removing litter, and demolishing buildings are due.

(2) Notice that special assessments are due shall not be required for special assessments levied by sanitary and improvement districts organized under Chapter 31, article 7, except that such notice may be provided by the county at the discretion of the county board, or by the sanitary and improvement district with the approval of the county board.

Sec. 4. This act shall become operative on January 1, 1983.

Sec. 5. That original section 33-114, Reissue Revised Statutes of Nebraska, 1943, and section 77-1701, Revised Statutes Supplement, 1981, are repealed.".

LEGISLATIVE BILL 770. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Urban Affairs

LEGISLATIVE BILL 807. Placed on General File as amended.
Standing Committee amendments to LB 807:
Req. #2643

1. On page 3, line 6, strike "initiative and".

2. On page 5, line 14, strike "initiative and referendum" and insert "prospective"; and in line 18 after the period insert "Those preparing prospective petitions shall be responsible for making copies of the petition for circulation, once authorization for circulation has been granted.".

3. On page 6, strike lines 2 through 5; in line 6 strike "(4)" and insert "(3)"; in line 9 strike "(5)" and insert "(4)"; and in line 24 strike "a qualified elector and" and insert "an individual registered to vote, at the time of signing, in the jurisdiction governed or to be governed by the measure addressed in the petition. A signature".

4. On page 7, line 11, strike "is a qualified elector and" and insert "was registered to vote in the affected jurisdiction at the time he or she signed the petition and that the circulator believes that each

signatory”; in line 16 after the period insert “Upon the filing of a petition, a city, upon passage of a resolution by the governing body of such city, and the county clerk or election commissioner of the county in which such city is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the petition is signed by the requisite number of voters. The city shall reimburse the county for any costs incurred by the county clerk or election commissioner.”; in line 17 strike “clerk” and insert “verifying official”; in line 25 strike “one hundred per cent of”; and in line 27 strike “filed” and insert “authorized for circulation”.

5. On page 9, lines 11 and 12, strike “such ordinances, so referred,”; and insert “measures initiated or referred”; and in line 19 after “clerk” insert “, unless the governing body contracts with the county for such service,”.

6. On page 10, line 2, strike “qualified electors” and insert “citizens”; in line 6 strike “existing law” and insert “repeal or modification”; and in line 16 strike “the” and strike the first “of” and insert “equal in number to”.

7. On page 11, line 2, strike the first “the” and strike the first “of” and insert “equal in number to”.

8. On page 12, line 2, strike “qualified electors” and insert “citizens”.

9. Strike original section 28 and insert a new section as follows:

“Sec. 28. (1) The following measures shall not be subject to referendum:

(a) Measures necessary to carry out contractual obligations including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum;

(b) Measures relating to industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set for in the Nebraska Budget Act; and

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the municipal subdivision's governing body and approved by its executive officer.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipal subdivision or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election;

(b) Measures relating to the acquistion, construction, installation, improvement, and enlargement, including the financing or refinancing of the costs of public ways, public property, utility systems, and other capital projects, and measures giving initial approval for industrial development projects; and

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants or other evidences of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their enactment. Referendum petitions directed at such measures shall be filed for signature verification pursuant to section 18 of this act within thirty days after such measure's enactment. If the necessary number of signatures has been obtained within the time limitation, the measure shall not take effect unless approved by the voters.

(4) All measures, except as provided in subsections (1) and (2) of this section, shall be subject to the referendum procedure at any time after such measure has been enacted.".

10. On page 13, line 22, strike the first "the" and strike the first "of" and insert "equal in number to".

11. On page 14, line 10, strike the first "the" and strike the first "of" and insert "equal in number to".

12. On page 16, line 4, strike "qualified elector" and insert "registered voter".

(Signed) David Landis, Chairperson

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Herb Davis - Advisory Committee to Dept. of Economic Development

Voting aye: Senators Duda, Haberman, Landis, DeCamp, Remmers. Nay: None. Absent: Senators Clark, Labedz, Schmit.

(Signed) John W. DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 335. Mrs. Marsh renewed her pending amendment, Req. #2382, found in the Journal on page 307.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Koch requested a record vote of the Marsh amendment.

Voting in the affirmative, 25:

Beutler
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Duda
Dworak
Fenger
Hefner
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 19:

Apking
Barrett
Clark
Fowler
Goodrich
Haberman
Higgins
Hoagland
Kilgarin
Koch
Kremer
Landis
Marsh
Pirsch
Rumery
Sieck
Vickers
Wesely
Wiitala

Present and not voting, 4:

Chambers
Goll
Johnson, V.
Schmit

Excused and not voting, 1:

Cullan

The Marsh amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Administrative Rules and Regulations Review

LEGISLATIVE BILL 784. Placed on General File.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendments to LB 375 in the Journal. No objections. So ordered.

(1)

PURPOSE: Require an NRD developing a management plan to identify the principal aquifers in the area and provide that depletion of principal aquifers cannot exceed 1% per year over any five-year period.

1. On page 5, line 26, after "maps," insert "identification of the principal aquifers in the area, if any, on which a substantial segment of the district relies or will rely for groundwater supplies,"
2. On page 6, line 21, after "area" insert: "which shall provide that the depletion rate of any principal aquifer shall not exceed an average of 1% of total saturated thickness per year over any five-year period."

(2)

PURPOSE: Allow allocation for irrigation in a management area on any reasonable basis established by the NRD.

1. On page 10, strike beginning after "allocated" in line 17 through line 19 and insert: "on any reasonable basis established by the district. The"; in line 23 strike "irrigated"; in line 25, strike "A" and insert: "Unless otherwise provided by the district, a"; after "user" insert "in a management area".
2. On page 11, strike beginning with "A" in line 4 through line 7.

(3)

PURPOSE: Delete provision allowing unrestricted increase in the number of acres irrigated by a ground water user.

1. Strike subsection 12 (2).

(4)

PURPOSE: Allow well drilling moratorium in a management area.

1. On page 19, line 19, after "control" insert "or management"; in line 22 after "section" insert "or sections 10 to 14 of this act"; in line 23 after "control" insert "or management".

(5)

PURPOSE: Require each NRD to develop management plans for its entire area; include surface water considerations in the data to be compiled; provide that management areas can then be designated after a hearing instituted by the NRD board.

1. On page 5, line 16 strike beginning with "In" through line 17 and insert "On or before September 1, 1986, each"; in line 23 strike "Proposed geographic" and insert "Geographic"; in line 24 strike "the" and insert "any existing or proposed control or management".
2. On page 6, line 9, after "area;" add a new subsection (8) to read as follows: "(8) The effect of past, present and potential groundwater withdrawals on surface water supplies in the area;" renumber subsequent subsections accordingly; strike beginning with "; and" in line 21 through line 25 and insert a period.
3. On page 8, line 8, after "(7)" insert "A district may, following a public hearing in the manner provided in this section, designate an area within its jurisdiction as a management area. The boundaries of the proposed management area shall be determined by the district."
4. On page 9, in line 19 strike "plan" and insert "area proposal"; in line 20 strike "plan" and insert "proposal".
5. On page 23, line 10, after "area." insert: "In addition to the foregoing and in addition to the levy authorized by section 2-3225, each district shall have the power and authority to levy a tax not to exceed one and four-tenths cents on each one hundred dollars annually on all of the taxable property within the district to be utilized only for the costs of carrying out the provisions of section 3 of this act."

Mr. Newell asked unanimous consent to print the following amendment to LB 454 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2634.)

RESOLUTION

LEGISLATIVE RESOLUTION 219.

Introduced by Lamb, 43rd District.

WHEREAS, the U. S. Soil and Conservation Service presently maintains its cartographic office in Lincoln, Nebraska; and

WHEREAS, the U. S. Soil and Conservation Service is considering moving its cartographic office to Fort Worth, Texas under the direction of the U. S. Department of Agriculture; and

WHEREAS, the reason for this move is the amount of rent being charged for space in Lincoln's Federal Building; and

WHEREAS, the rental rate for special use areas such as the laboratory and clinical area in which the cartographic unit is located is set by the General Service Administration in Washington, D. C., and

WHEREAS, a General Accounting Office report has concluded that the USDA and the Soil and Conservation Service have failed to adequately document that there would be any merit to the proposed move; and

WHEREAS, a move by the cartographic office would result in the loss of necessary services within a reasonable distance for Nebraska citizens and the loss of 65 job positions for the Lincoln community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature oppose the transfer of the cartographic office of the U. S. Soil and Conservation Service from Lincoln, Nebraska to Fort Worth, Texas.
2. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the Secretary of Agriculture, the U. S. Department of Agriculture, the U. S. Soil and Conservation Service and to each Member of the Nebraska Congressional Delegation.

Laid over.

VISITORS

Visitors to the Chamber were 20 students and teacher from Northwest High School, Grand Island; 24 students and sponsors from Palmer High School; 12 students and teacher from Murdock; and Senator Cope's sisters, Virginia Thiemann from Pawnee City and Betty Ayres from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Thursday, February 11, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 11, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 11, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Father Sam Boman, St. David's Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused; and Messrs. Chambers, Fowler, Hoagland, Lamb, Newell, and Schmit who was excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 615, line 23, strike second "p.m." and insert "a.m.".
The Journal for the Twenty-Fourth Day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LR 218	Monday, February 22, 1982	1:30 p.m.

(Signed) John W. DeCamp, Chairperson

REPORT

Received report from Department of Roads in compliance with Section 5 (4) of LB 722, of statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for January, 1982.

MESSAGES FROM THE GOVERNOR

February 10, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Commission for the Hearing Impaired, requiring legislative confirmation:

Reappointment:
  Henry Barthuly, 1851 22nd Street, Mitchell 69357, term expiring January 31, 1988;
Appointments:
  Patricia Kuhr Kloster, 1029 South 16th Ave., Blair 68808, term expiring January 31, 1988, succeeding Betty Lof, term expired;
  Vernon Miers, 520 South Adams, Grand Island 68801, term expiring January 31, 1988, succeeding Gerald Hoffmaster, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Accountability and Disclosure Commission
Commission for the Hearing Impaired

February 10, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Oil and Gas Conservation Commission, requiring legislative confirmation:

Reappointment:
Reed Gilmore, P. O. Box 577, Kimball 69145, term expiring September 28, 1986;
Appointment:
Guy F. Bush, Box 319, Sidney 69162, term expiring September 28, 1986, succeeding John Mason, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Reed Gilmore
Guy F. Bush
Accountability and Disclosure Commission
Oil and Gas Conservation Commission

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 701. Placed on General File as amended.
Standing Committee amendments to LB 701:
Req. #2640

1. Insert new sections as follows:

"Section 1. That section 14-201, Revised Statutes Supplement, 1980, be amended to read as follows:

14-201. In any city of the metropolitan class there shall be elected seven council members, whose terms of office shall, except as provided in section 14-201.04, be four years, who shall constitute the council of such city. The regular or general election for the election of elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May and every two years thereafter. The term of office of such council members shall commence on the ~~second Tuesday~~ fourth Monday after such election.

Sec. 3. That section 15-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-301. (1) The general city elections in cities of the primary class shall be held on the first Tuesday in May of every odd-numbered year. At all primary, general, and special city elections, the polls shall be kept open between the hours of 8:00 a.m. and 8:00 p.m.

(2) Any city of the primary class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member.

Sec. 4. That section 16-302.01, Revised Statutes Supplement, 1981, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and two council members from each ward, who shall be electors of the city and residents of the ward from which elected. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) All elected officers in a first-class city shall serve for a term of four years and until their successors are elected and have qualified.

(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(5) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

(9) Any city of the first class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member.

Sec. 5. That section 32-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-513. Prior to the filing of any nomination papers, there shall be paid to the county treasurer or city treasurer in case of municipal officers for the use of the general fund of the county or city of the candidate's residence, by or on behalf of each candidate, a filing fee as follows: For the office of United States Senator, for state officers, including members of the Legislature, members of Congress, county officers, including county superintendent of public instruction, district superintendent of public instruction, and municipal officers, except those subject to subsection (3) of section 14-204, subsection (2) of section 15-301, or subsection (9) of section 16-302.01 regardless of whether the municipality has taken action under such subsections, a sum equal to one per cent of the annual salary such candidate will receive if he or she is elected and qualifies for the office he or she files for as a candidate; for directors of public power and irrigation districts in those districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, ten dollars; and reclamation districts, ten dollars. No nominating papers shall be filed until the proper treasurer's receipt, showing the payment of such filing fees, shall be presented to the officer with whom the nominating paper is to be filed. No certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate, which filing fee shall be paid within ten days after the canvass of the votes. A filing fee of twenty-five dollars shall be required from candidates for Regents of the University of Nebraska and the State Board of Education. There shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required of any candidate completing an affidavit in support of request to file for public office in forma pauperis. A pauper, for purposes of this section, is defined as one whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements, and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.

The term available resources includes every type of property or interest in property that an individual owns and may convert into cash, with the exception of:

(1) Real property used as a home;

(2) Household goods of a moderate value used in the home; and

(3) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

Sec. 6. That original sections 15-301 and 32-513, Reissue Revised Statutes of Nebraska, 1943, sections 14-201 and 14-204, Revised Statutes Supplement, 1980, and section 16-302.01, Revised Statutes Supplement, 1981, are repealed.".

2. On page 3, strike lines 17 through 25 and insert "(3) Any city of the metropolitan class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member.".

3. Strike original section 2.

4. Renumber original section 1 as section 2.

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 708. Placed on General File as amended.
Standing Committee amendments to LB 708:
Req. #2554

1. Strike the original section and insert new sections as follows:

"Section 1. The Legislature finds it to be in the public interest of the State and its citizens to promote the efficient development and prevent the waste of geothermal resources. Geothermal energy is an indigenous, renewable resource whose development will benefit local economies.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Geothermal resources shall mean (a) the natural heat of the earth and the energy produced by that heat, including pressure, (b) the material medium containing that energy, and (c) mineral and gaseous byproducts entrained or dissolved in the material medium, excluding hydrocarbons;

(2) Geothermal fluids shall mean the naturally present ground water in geothermal occurrences;

(3) Geothermal occurrence shall mean an underground geologic formation at temperatures higher than normal gradient; and

(4) Material medium shall mean geothermal fluids or other substances injected into a geothermal occurrence in order to transport energy to the surface.

Sec. 3. The property right to geothermal resources is an incident of the ownership of an estate in land. When the subsurface or mineral estate has been severed from the overlying surface, ownership of geothermal resources shall derive from the subsurface or mineral estate.

Sec. 4. (1) The owner of geothermal resources has the right to enter upon overlying surface parcels to prospect for, produce, and transport such resources. Reasonable compensation shall be paid to the owner of the overlying surface parcel for the exercise of such right of entry. The right of entry granted in this section shall not include the right to constrict surface facilities for the utilization of geothermal energy.

(2) The Board of Educational Lands and Funds shall have the authority to lease state-owned geothermal resources under the procedures contained in Chapter 72, article 3.

Sec. 5. The production of geothermal fluids to transport geothermal resources to the surface shall be governed by the principle of reasonable use. The utilization of such fluids for their energy and byproduct content shall be considered a beneficial use of the ground water of the state. The transport of geothermal fluids off the overlying surface parcel for such beneficial use, as well as the application of byproduct water to domestic, agricultural, or commercial purposes, shall satisfy the requirements of this section.

Sec. 6. (1) Wells constructed to produce or reinject geothermal resources shall be registered with the natural resources district encompassing the well site.

(2) Wells constructed to produce or reinject geothermal resources shall be cased and cemented so as to prevent the migration of the material medium into any intervening strata. Such wells shall not be permitted to flow in an uncontrolled manner, except for testing purposes. Logbooks shall be prepared and maintained for all geothermal wells.

(3) Natural resources districts shall have the necessary jurisdiction and authority to prevent the waste of geothermal resources and enforce the provisions of this section.

Any well, or group of wells operated in concert, used to produce geothermal fluids in excess of three thousand acre-feet per year shall be subject to the provisions of sections 46-675 to 46-690.".

LEGISLATIVE BILL 751. Placed on General File as amended.
Standing Committee amendments to LB 751:
Req. #2655

1. Insert the following new section:

"Sec. 2. That section 59-1617, Revised Statutes Supplement, 1981, be amended to read as follows:

59-1617. Nothing in sections 59-1601 to 59-1622 shall apply to actions or transactions otherwise permitted, prohibited, or regulated under laws administered by the Director of Insurance, the Public Service Commission, the federal power commission, or any other regulatory body or officer acting under statutory authority of this state or the United States, nor shall the provisions of sections 59-1601 to 59-1622 extend to or apply to any actions or transactions on the part of any public power and irrigation district, public power district, electric membership association, and cooperatives or municipalities engaged in furnishing electrical service to customers at retail or wholesale if such actions or transactions are otherwise permitted by law; Provided, that actions and transactions prohibited or regulated under the laws administered by the Director of Insurance shall be subject to the provisions of section 59-1602 and all statutes which provide for the implementation and enforcement of section 59-1602 and that actions and transactions prohibited or regulated under the laws administered by the Board of Examiners in Embalming and Funeral Directing of the Bureau of Examining Boards, Department of Health or administered by the Department of Agriculture shall be subject to the provisions of Chapter 59, article 16. Actions and transactions relating to loan brokers which are prohibited or regulated pursuant to sections 45-189 to 45-193 and administered by the Department of Banking and Finance shall be subject to the provisions of Chapter 59, article 16.

No penalty or remedy shall result from a violation of sections 59-1601 to 59-1622 except as expressly provided therein.".

2. On page 3, line 11, strike "section" and insert "sections" and after "45-190" insert "and 59-1617"; and in line 12, strike "is" and insert "are".

3. Renumber original section 2 as section 3.

(Signed) John W. DeCamp, Chairperson

Public Works

LEGISLATIVE BILL 655. Placed on General File as amended. Standing Committee amendment to LB 655:

1. On page 2, strike beginning with "and" in line 18 through "laws" in line 21.

(Signed) Maurice A. Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 623. Placed on Select File as amended. E & R amendments to LB 623:

1. In the DeCamp amendments, line 14, strike "and" and insert "any"; and strike line 20 and insert "Revised Statutes Supplement, 1980, is repealed.".

2. In the title, strike beginning with the second "to" in line 2 through the semicolon in line 10 and insert "to provide an additional exception to the limitation of the rate of interest;"; after the semicolon in line 12 insert "to amend section 45-101.04, Revised Statutes Supplement, 1980;" and in line 13

strike "sections" and insert "section".

(Signed) Karen Kilgarin, Chairperson

MOTION - Return LB 353 to Select File

Mr. Nichol moved to return LB 353 to Select File for his specific amendment, Req. #2619, found in the Journal on page 572.

The motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 353. The Nichol specific amendment found in the Journal on page 572 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 417 to Select File

Mr. Warner moved to return LB 417 to Select File for the following specific amendment:

1. On page 2, line 17, strike beginning with "or" through the comma and show as stricken; in line 20, strike "fifteen" and insert "~~fifteen~~ eighteen" and after "(4)" insert "vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (5)"; and in line 25 strike "(5)" and insert "(6)".

2. On page 3, line 2, strike "(6)" and insert "(7)"; in line 18, strike "(7)" and insert "(8)"; and in line 26, strike "(8)" and insert "(9)".

3. On page 4, line 1, strike "(9)" and insert "(10)"; and in line 24, strike "(10)" and insert "(11)".

4. On page 5, line 1, strike "(11)" and insert "(12)"; in line 4, strike "(12)" and insert "(13)"; and in line 24, strike "(12)" and insert "(13)".

The motion to return prevailed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 417. The Warner specific amendment found in this day's Journal was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 465.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-904, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1980; to impose certain conditions upon the sentences of persons convicted for prescribed offenses while in custody; to define and redefine offenses; to provide penalties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Burrows
Fowler
Wagner

Excused and not voting, 2:

Chambers
Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 139 to Select File

Mrs. Marsh moved to return LB 139 to Select File for the specific amendment found in the Journal on page 590.

The motion prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 139. The Marsh specific amendment found in the Journal on page 590 was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 450. With Emergency.

A BILL FOR AN ACT relating to podiatry; to amend section 71-133, Revised Statutes Supplement, 1980, and sections 71-162, 71-2610, and 81-196, Revised Statutes Supplement, 1981; to change provisions relating to the Board of Examiners in Podiatry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Podiatry; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer

Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Chambers
Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 69.

A BILL FOR AN ACT relating to motor vehicles; to require the use of passenger restraint systems as prescribed; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mrs. Marsh requested a roll call vote on LB 69.

Voting in the affirmative, 19:

Beyer
Chambers
Cope
Cullan
Fenger
Fowler
Goll
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marvel
Peterson, H.
Pirsch
Rumery
Sieck
Warner
Wesely

Voting in the negative, 26:

Apking
Barrett
Beutler
Carsten
Chronister
Clark
Duda
Dworak
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Newell
Nichol
Peterson, R.
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Wiitala

Present and not voting, 2:

Burrows
Marsh

Excused and not voting, 2:

DeCamp
Koch

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

MESSAGE FROM THE GOVERNOR

February 11, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 423 was received in my office on February 4, 1982.

This bill was signed by me on February 10, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LB 590 in the Journal. No objections. So ordered.

1. On page 2, line 13, after "serves" insert "on those matters which the municipal court and county court have concurrent jurisdiction".

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 10, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blauwet, Roger C. - Omaha, Shearson/American Express, Inc.
Crosby, Guenzel, Davis, Kessner & Kuester:
  McFarland, James D. - Lincoln, Professional Surveyors Association of Nebraska
Johnson, Joseph E. - Lincoln, National Audubon Society
Mihovk, Donald J. - Council Bluffs, IA, Republican County Central Committee of Douglas Co., Nebraska
Wall, Sue Ellen - Lincoln, Lewis, Wineland, Lewis

RESOLUTION

LEGISLATIVE RESOLUTION 220.

Introduced by DeCamp, 40th District; Wagner, 41st District; Von Minden, 17th District; Chronister, 18th District; Hefner, 19th District.

WHEREAS, veterans of Nebraska are citizens whose past service to our state and nation demonstrates character and courage; and

WHEREAS, the past service of Nebraska veterans insures our nation's continued strength and freedom; and

WHEREAS, we, as citizens of Nebraska, owe a debt of gratitude to our veterans; and

WHEREAS, many veterans have suffered and today suffer from illnesses and injuries received during service to our state and country; and

WHEREAS, Nebraska operates three veterans' hospitals located in Omaha, Lincoln, and Grand Island, Nebraska; and

WHEREAS, the Veterans' Administration has set aside Friday, February 12, for citizens to honor and acknowledge those veterans who served our state and nation and are hospitalized today.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature joins the nation and proclaims Friday, February 12, 1982, as HOSPITALIZED VETERANS' DAY and urges all citizens to support those veterans who bravely served our state and nation.
2. The Legislature urges all citizens to personally give thanks to Nebraska veterans by visiting veterans on Friday, February 12, 1982, between the hours of 1:00 and 4:00 p.m. at any of Nebraska's three veterans' hospitals.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 192.

A BILL FOR AN ACT relating to civil procedure; to provide for the award of attorney and expert witness fees in certain civil proceedings; to provide duties; to provide exceptions; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Dworak

Present and not voting, 1:

Burrows

Excused and not voting, 2:

DeCamp
Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 198. With Emergency.

A BILL FOR AN ACT to amend sections 70-604.03 and 70-619, Reissue Revised Statutes of Nebraska, 1943, and sections 70-610 and 70-612, Revised Statutes Supplement, 1981, relating to public power; to provide for divided precincts; to authorize the division of voting precincts; to provide for charging additional costs; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 1:

Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 231. With Emergency.

A BILL FOR AN ACT relating to jails; to provide for reductions in terms for good behavior; to provide for implementation; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 1:

Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 239.

A BILL FOR AN ACT to amend sections 39-1713 and 39-1715 to 39-1718, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to change provisions relating to isolated lands; to provide for public access; to provide for payment of certain costs as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Clark
Kahle

Excused and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 263.

A BILL FOR AN ACT to amend section 71-1,162, Reissue Revised Statutes of Nebraska, 1943, and section 71-162, Revised Statutes Supplement, 1981, relating to public health; to increase the examination fees for embalming and funeral directing licenses; to increase and change certain fees as prescribed; to delete a restriction or license renewal; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 370.

A BILL FOR AN ACT to amend sections 79-2803, 79-2804, 79-2812, 79-2820 to 79-2822, 79-2842, and 79-2846, Revised Statutes Supplement, 1980, relating to schools; to define a term; to eliminate an exception; to change provisions relating to the award of associate degrees; to provide the contents of applications; to change agent's provisions; to provide for a blanket bond; to provide a fee; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 448. With Emergency.

A BILL FOR AN ACT relating to medicine and surgery; to amend section 71-1,106, Reissue Revised Statutes of Nebraska, 1943, section 71-133 and 81-1,105, Revised Statutes Supplement, 1980, and sections 71-162, 71-2610, and 81-196, Revised Statutes Supplement, 1981; to change provisions relating to the Board of Examiners in Medicine and Surgery; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Medicine and Surgery; to change a temination date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 449 to Select File

Mr. Warner moved to return LB 449 to Select File for the following specific amendment:

AMENDMENTS TO STANDING COMMITTEE

1. Insert the following new sections:

"Sec. 1. That section 71-1,135.01, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.01. For the purposes of this act, unless the context otherwise requires, pharmaceutical agents shall mean anesthetics, cycloplegics, and mydriatics. A contact lens prescription shall consist of a written order based on information gathered after fitting, adaptation and professional observation by a licensed optometrist or physician stipulating the specifications, directions, and instructions necessary for the fabrication, use and care of the contact lenses, and shall include the patient's name, prescription date and expiration date.

Sec. 2. That section 71-1,135.03, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.03. No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation ~~of~~ or the United States Office of Education or its successors and the transcript credit for the course or courses is certified to the board by the institution.

Sec. 3. That section 71-1,136, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,136. No school of optometry shall be approved by the Department of Health as an accredited school unless said school is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation ~~of~~ or the United States Office of Education, or its successors.

2. On page 12, line 15, of the original bill after "71-162" insert ", 71-1,135.01, 71-1,135.03, 71-1,136".

The motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 511.

A BILL FOR AN ACT to amend section 61-301, Revised Statutes Supplement, 1981, relating to motor vehicle registration; to change an exemption; to provide for registration of certain vehicles; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Schmit

Excused and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 592.

A BILL FOR AN ACT relating to obsolete provisions; to amend section 83-466, Reissue Revised Statutes of Nebraska, 1943; to remove obsolete language and repeal obsolete statutes; and to repeal the original section, and also sections 2-3203.01, 39-2516, 45-159 to 45-162, 64-115, 64-117, 68-632, 68-710 to 68-715, 70-650.02, 71-208.05, 71-223.03, 71-2109, 72-423 to 72-425, 72-719, 75-122.02, 76-240, 76-717.01, 77-405.01, 77-424, 77-1506.09, 81-815.35, 81-1204.01, 81-1204.02, 83-4,106 to 83-4,108, 83-955, 83-1070, 83-1072 to 83-1077, and 84-1317.01, Reissue Revised Statutes of Nebraska, 1943, and section 83-1071, Revised Statutes Supplement, 1981.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Koch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 509. Placed on General File as amended. Standing Committee amendments to LB 509.

Req. #2642

1. On page 2, after the period in line 25 insert ''A person who has successfully completed two thousand one

hundred hours of training in a school of barbering approved by the Board of Barber Examiners shall receive a certificate of graduation.".

2. On page 3, line 8, after "instructors" insert "as provided in sections 4 to 12 of this act".

3. Insert the following new sections:

"Sec. 4. For the purpose of recognizing licenses which have been issued in other states or countries to practice barbering as an apprentice barber, registered barber, or barber instructor for which a license is required by Chapter 71, article 2, the Board of Barber Examiners may enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 5 of this act.

Sec. 5. The Board of Barber Examiners shall at least once each year review the licensing requirements of other states or countries which issue licenses to practice barbering in the various classifications in which the board conducts examinations for licenses in this state. The board shall examine such requirements and, after making such other inquiries as it deems necessary, shall certify the states and countries having substantially equivalent requirements to those existing in this state for the practice of barbering and with which such board desires to enter into a reciprocal licensure agreement.

Sec. 6. In negotiating any reciprocal agreement, the Board of Barber Examiners shall be governed by the following:

(1) When the laws of any state or country or the rules of the authorities of such state or country place any requirement or disability upon any person licensed in this state to practice barbering which affects the right of such person to be licensed or to practice his or her profession in such other state, then the same requirement or disability shall be placed upon any person licensed in such state or country when applying for a license to practice in this state; and

(2) When any examining board has established by rule any special conditions upon which reciprocal agreements shall be entered into, as provided in section 7 of this act, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice barbering in any classification in which such examining board conducts examinations.

Sec. 7. The Board of Barber Examiners shall not enter into any reciprocal agreement with any state or country with reference to the practice of barbering as an apprentice barber, registered barber, or instructor for which the board conducts examinations, unless every person licensed in another state or country when applying for a license to practice in this state shall show:

(1) That the requirements for registration were substantially equal to those in force in this state at the time such license was issued; or

(2) Upon due proof that such applicant has continuously practiced the practices or occupation for which application for a license is made at least three years immediately prior to such application.

The applicant shall also pay the fee set pursuant to section 71-219.

Any applicant who fails to qualify for such exemption because his or her study or training outside this state does not fulfill the requirements of this section shall receive credit for the number of hours of study and training successfully completed in the particular state where he or she is registered or licensed, and he or she shall be qualified for the examination upon completion of such supplementary study and training in an accredited school of barbering in this state as the board finds necessary to substantially equal the study and training of a qualified person who has studied and trained in an accredited school in this state only. For the purposes of this section, each six months of practice outside of this state of the practices or occupation for which application for a license is made shall be deemed the equivalent of one hundred hours of study and training required in this state in order to qualify for the practice of barbering.

Sec. 8. When the requirements for a license in any state or country with which this state has a reciprocal agreement as authorized by section 4 of this act are changed by any law or rule of the authorities of such state so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state or country shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated.

Sec. 9. The Board of Barber Examiners shall upon presentation of a certification of licensure to practice barbering as an apprentice, registered barber, or instructor by the duly constituted authority of another state or country, with which this state has established reciprocal relations as authorized by section 4 of this act, and subject to the rules of the board, license such applicant to practice in this state unless an examination is required under section 7 of this act.

Sec. 10. The provisions of Chapter 71, article

2, relating to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for a reciprocal license.

Sec. 11. When the laws or the rules of the authorities of a state or country place any requirement or disability upon any person holding a diploma or certificate from any school or college of barbering in this state in which barbering is taught, which affects the right of such person to be licensed in such state, the same requirement or disability shall be placed upon any person holding a diploma or certificate from a similar school or college situated in that state when applying for a license to practice in this state.

Sec. 12. The Board of Barber Examiners shall have the power to establish the necessary rules for carrying out the reciprocal relations with other states or countries which are authorized by sections 4 to 11 of this act.

Sec. 13. Any licensee who desires to change his or her residence to that of another state or country shall upon application to the Board of Barber Examiners, and payment of the legal fee, receive a certified statement that he or she is a duly licensed practitioner in this state.".

4. Renumber remaining sections accordingly.

(Signed) Samuel K. Cullan, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Warner asked unanimous consent to have his name added as co-introducer to LB 759. No objections. So ordered.

MOTION - Return LB 421 to Select File

Mr. Schmit moved to return LB 421 to Select File for the specific amendment found in the Journal on page 548.

The motion to return prevailed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Schmit specific amendment found in the Journal on page 548 was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 421 to Select File

Mr. Schmit moved to return LB 421 to Select File for the specific amendment found in the Journal on page 549.

MR. CLARK PRESIDING

The motion to return prevailed with 29 ayes, 2 nays, 17 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Schmit specific amendment found in the Journal on page 549 was adopted with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 431

Mr. Fenger asked unanimous consent to withdraw his pending amendment found in the Journal on page 508. No objections. So ordered.

MOTION - Return LB 431 to Select File

Mr. Newell moved to return LB 431 to Select File for the following specific amendment:

(Final Reading Copy)

1. Insert the following new section:

"Sec.3. That section 53-183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-183. No person shall sell or furnish alcoholic liquor at retail to any person or credit or on a pass book, or order on a store, or in exchange for any goods, wares, or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law; Provided, (1) nothing herein contained shall be construed to prevent any club holding a class C liquor license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the ~~by-laws~~ by laws of such club, (2) ~~; and provided further,~~ nothing herein contained shall be construed to prevent any hotel or restaurant holding a retail alcoholic liquor license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests, and (3) nothing herein contained shall be construed to prevent any person from making retail purchases of alcoholic liquor, for consumption on the premises only, by the use of a credit card if fifty persons or more of the income from sales of such retail establishment is from the sale of food approved by the commission if food is also sold on the premises for consumption thereon.''.

2. On page 3, line 8, strike ''section 53-123.01'' and insert ''sections 53-123.01 and 53-183''.

3. Renumber original section 3 as section 4.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Speaker Marvel announced LB 634, LB 672, and LB 706 be set on Special Order on February 17, 1982.

GENERAL FILE

LEGISLATIVE BILL 662. Title read. Considered.

Mr. Nichol asked unanimous consent to withdraw his pending amendment found in the Journal on page 594. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 669. Title read. Considered.

Standing Committee amendment found in the Journal on page 485 for the Seventeenth Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Remmers offered the following amendment:
On page 2, line 6, strike "two" and insert "three".

Mr. Carsten offered the following amendment to the Remmers amendment.
Pg 2 line 6 after the word "persons" insert "one from each of the three Congressional Districts".

The Carsten amendment was adopted with 15 ayes, 1 nay, 32 present and not voting, and 1 excused and not voting.

The Remmers amendment, as amended, was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

The Committee on Appropriations gives notice of the following Public Hearings in room 1003 for the State Agency Budget Hearing on LB 755, 756, 761 and Draft Appropriations Committee Recommendations for 1982-83:

1:30 p.m., Friday, February 19, 1982
Post-Secondary Education
Coordinating Commission for Post-Secondary Education
Board of Trustees of the State Colleges
State Colleges
University of Nebraska

1:30 p.m., Monday, February 22, 1982
Transportation
Dept. of Aeronautics
Dept. of Motor Vehicles
Dept. of Roads

Public Safety
Public Service Commission
Dept. of Banking
State Fire Marshal
Dept. of Insurance
Military Dept.
Nebraska Liquor Control Commission
State Racing Commission
Nebraska Motor Vehicles Dealer's License Board

Real Estate Commission
State Athletic Commission
Board of Barber Examiners
State Board of Examiners for Professional Engineers and Architects
Board of Examiners for Land Surveyors
Nebraska State Board of Public Accountancy
Nebraska State Patrol
Board of Examiners for Abstractors
Board of Examiners for Landscape Architects
Nebraska Commission on Law Enforcement and Criminal Justice

1:30 p.m., Tuesday, February 23, 1982
Natural Resources

Dept. of Agriculture
Dept. of Water Resources
Game and Parks Commission
Nebraska Brand Commission
State Board of Agriculture
Agricultural Activities
Natural Resources Commission
Nebraska Wheat Board
Oil and Gas Conservation Commission
Gasohol Committee
Nebraska Energy Office
Power Review Board
Dept. of Environmental Control

1:30 p.m., Wednesday, February 24, 1982
Education

State Dept. of Education
Nebraska Public Library Commission
Nebraska Educational Television Commission
Nebraska State Historical Society
Arts Council
Technical Community Colleges

1:30 p.m., Thursday, February 25, 1982
General Government

Legislative Council
Policy Research Office
Supreme Court
District Courts
Governor
Lieutenant Governor
Secretary of State
Auditor of Public Accounts

Attorney General
State Treasurer
Dept. of Revenue
Board of Educational Lands and Funds
Nebraska Workman's Compensation Court
Dept. of Administrative Services
Dept. of Economic Development
Nebraska Investment Council
Court of Industrial Relations
State Personnel Department
State Employee's Retirement Board
Political Accountability and Disclosure Commission
Claims Board
Branch Rail Revitalization Council

9:00 a.m., Friday, February 26, 1982
Human Resource

Board of Pardons
Dept. of Health
Dept. of Labor
Dept. of Public Institutions

1:30 p.m., Friday, February 26, 1982
Human Resource

Dept. of Welfare
Dept. of Veterans' Affairs
Nebraska Commission on the Status of Women
Dept. of Correctional Services
Equal Opportunity Commission
Mexican/American Commission
Nebraska Commission on Aging
Hearing Impaired Commission

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

1. Strike original section 2.
2. On page 2, strike beginning with "and" in line 15 through "obtained" in line 16.
3. On page 4, strike beginning with "If" in line 7 through the period in line 11; in line 15, insert a period after "Nebraska", and strike

beginning with "and" through the underscored period in line 16; in line 27, reinstate the stricken material and strike "shall".

4. On page 5, strike "not" in line 1; in line 7, strike beginning with "The" through the underscored period in line 11.

5. Renumber sections 3 and 4 as sections 2 and 3 respectively.

Mr. Carsten asked unanimous consent to print the following amendment to LB 705 in the Journal. No objections. So ordered.

Req. #2639

1. Insert the following new section:

"Sec. 2. That section 77-2711, Revised Statutes Supplement, 1981, be amended to read as follows:

77-2711. (1) (a) The Tax Commissioner shall enforce the provisions of sections 77-2702 to 77-2713 and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of such sections.

(b) The Tax Commissioner may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

(2) The Tax Commissioner may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of sections 77-2701 to 77-27,135, and may delegate authority to his or her representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by sections 77-2701 to 77-2713.

(3) (a) Every seller, every retailer, and every person storing, using, or otherwise consuming in this state tangible personal property purchased from a retailer shall keep such records, receipts, invoices, and other pertinent papers in such form as the Tax Commissioner may reasonably require.

(b) Every such seller, retailer, or person shall keep such records for not less than three years from the making of such records unless the Tax Commissioner in writing sooner authorized their destruction.

(4) The Tax Commissioner or any person authorized in writing by him or her may examine the books, papers, records, and equipment of any person selling tangible personal property and any person liable for the use tax and may investigate the character of the business of the person in order to verify the accuracy of any return made, or, if no return is made by the person, to ascertain and determine the amount required to be paid.

(5) The taxpayer shall have the right to keep or store his or her records at a point outside this state and shall make his or her records available to the Tax

Commissioner at all times.

(6) In administration of the use tax, the Tax Commissioner may require the filing of reports by any person or class of persons having in his, her, or their possession or custody information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the tax. The report shall be filed when the Tax Commissioner requires, and shall set forth the names and addresses of purchasers of the tangible personal property, the sales price of the property, the date of sale, and such other information as the Tax Commissioner may require.

(7) It shall be a Class I misdemeanor for the Tax Commissioner or any official or employee of the Tax Commissioner to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and activities of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Tax Commissioner. Nothing in this section shall be construed to prohibit (a) the delivery to a taxpayer, his or her duly authorized representative, or his or her successors, receivers, trustees, executors, administrators, assignees, or guarantors, if directly interested, of a certified copy of any return or report in connection with his or her tax, (b) the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, (c) the inspection by the Attorney General or other legal representative of the state of the reports or returns of any taxpayer when information on the reports or returns is considered, by the Attorney General, to be relevant to any action or proceeding instituted by the taxpayer or against whom an action or proceeding is being considered or has been commenced by any state agency, (d) the furnishing of any information to the United States government or to states allowing similar privileges to the Tax Commissioner, or (e) the disclosure of information and records to a collection agency contracting with the Tax Commissioner pursuant to sections 77-377.01 to 77-377.04.

(8) In all proceedings under the provisions of sections 77-2701 to 77-27,135, the Tax Commissioner may act for and on behalf of the people of the State of Nebraska. The commissioner in his or her discretion may

waive all or part of any penalties provided by the provisions of sections 77-2701 to 77-27,135, but may not waive the minimum interest on delinquent taxes ~~of one half of one per cent per month~~ specified in section 45-104.01.".

2. On page 3, line 19, strike "is" and insert "and section 76-2711, Revised Statutes Supplement, 1981, are".

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 458. Placed on General File as amended.
Standing Committee amendments to LB 458:
Req. #2629

1. Strike original section 1.

2. On page 4, line 9, strike "without" and insert "~~without~~ with"; in lines 22 and 24, strike "ten" and insert "four"; in line 23 after the semicolon insert "or"; and in line 25 strike beginning with "but" through the comma and insert "the terminating member shall".

3. On page 5, line 2, strike "regular" and after "interest" insert "at the rate of five per cent"; strike beginning with "and" in line 3 through "board" in line 11; in line 13, strike "fifty-five" and insert "sixty"; strike beginning with the semicolon in line 14 through "fifty-five" in line 18 and remove the paragraphing; and in line 23 after "termination" insert "multiplied by the member's vesting percentage and then".

4. On page 6, after line 4, insert:

"If the terminating member has been a participant in the system for less than four years, such member's vesting percentage shall be nil. If the terminating member has been a participant in the system for at least four years, such member's vesting percentage shall be forty per cent. Such member's vesting percentage shall be fifty per cent after five years, sixty per cent after six years, seventy per cent after seven years, eighty per cent after eight years, ninety per cent after nine years, and one hundred per cent after ten years.".

5. Strike original section 4.

6. On page 7, strike beginning with "plus" in line 4 through "birthday" in line 8.

7. On page 8, strike the new matter in lines 17 through 22 and insert:

"(5) The vesting percentage shall be one hundred for an employee who has participated in the retirement plan for five years or who qualifies".

8. On page 9, strike beginning with "Such" in line 3 through "hundred" in line 4 and show the old

matter as stricken; in line 14 strike "prior to" and show as stricken; in lines 14 and 15 strike the new matter; in line 22 strike "and" and show as stricken; and strike the new matter in lines 22 through 27.

9. On page 10, lines 1 to 4 strike the new matter; and strike beginning with "Any" in line 9 through the period in line 16 and show the old matter as stricken.

10. Strike original section 7.

11. On page 12, lines 3 and 5, strike "ten" and insert "four"; in line 4 after the semicolon insert "or"; in line 6 strike beginning with "but" through the comma and insert "the terminating member shall"; in line 9 strike "regular" and after "interest" insert "at the rate of five per cent"; strike beginning with "and" in line 10 through "board" in line 18; strike beginning with the semicolon in line 21 through "service" in line 25 and remove the paragraphing; and in line 27 after the period begin a new paragraph.

12. On page 13, line 2, after "termination" insert "multiplied by the member's vesting percentage and then"; and after line 10, insert:

"If the terminating member has been a participant in the system for less than four years, such member's vesting percentage shall be nil. If the terminating member has been a participant in the system for at least four years, such vesting percentage shall be forty per cent. Such member's vesting percentage shall be fifty per cent after five years, sixty per cent after six years, seventy per cent after seven years, eighty per cent after eight years, ninety per cent after nine years, and one hundred per cent after ten years.".

13. Strike original sections 9 to 12.

14. Insert the following new section:

"Sec. 6. That section 81-2031, Revised Statutes Supplement, 1981, be amended to read as follows;

81-2031. (1) Should any patrolman, prior to becoming eligible to retire, as provided in section 81-2025, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, with less than five years of service, such patrolman shall thereupon be entitled to receive all payments which have been made by salary deductions into the fund created by sections 81-2014 to 81-2034 plus regular interest earned each fiscal year commencing July 1, 1974, as determined by the retirement board in conformity with actual and expected earnings on its investments.

(2) ~~In lieu of the benefit described in subsection (1) of this section,~~ Should any patrolman,

prior to becoming eligible to retire, as provided in section 81-2025, become separated from state service as a patrolman for reasons other than death or disability, either voluntarily or involuntarily, with more than five years of service the patrolman may elect to receive a deferred annuity to commence at any age from fifty to fifty-five. If this election is made, the contributions made to the system by the partrolman may not be withdrawn from the system. The deferred annuity is computed as a percentage of the retirement annuity, as computed in subsection (1) of section 81-2026. The percentage is zero per cent for the first five years of service~~; twenty per cent for each completed year of service for the next five years of service;~~ and one hundred per cent after ~~ten~~ five completed years of service. In the event of the death of any patrolman during the deferred period, the accumulated value of the patrolman's contributions at the date of termination plus regular interest to the date of his or her death shall be paid to such patrolman's beneficiary.".

15. On page 20, line 23 strike "1980" and insert "1981"; and in line 26 strike "fifty-five" and reinstate "sixty".

16. On page 21, in lines 10, 15, and 18 remove the underscoring; and in line 14 strike "; Provided," and insert ", except that members of commissions and boards who serve periodically and only receive authorized per diems or expenses shall not be required to retire at age seventy-two and".

17. On page 22, line 8 strike "(a)" and after "carrier" insert "(a)"; and strike beginning with "plus" in line 10 through "birthday" in line 14.

18. On page 23, line 10 strike "fifty-five" and reinstate "sixty".

19. On page 24, strike lines 1 through 7 and insert:

"(4) The vesting percentage shall be one hundred for an employee who has participated in the retirement plan for five years or who qualifies for any".

20. Strike original section 15 and insert the following new sections:

"Sec. 9. For purposes of subdivision (2) of section 77-3424, new program shall include such additional costs which a county may incur for funding its retirement system pursuant to section 23-2319 after the effective date of this act.

Sec. 10. That original sections 23-2319, 24-706, and 84-1321, Reissue Revised Statutes of Nebraska, 1943, section 16-336, Revised Statutes Supplement, 1980, and sections 81-2031 and 84-1317, Revised Statutes Supplement, 1981, are repealed.".

21. Renumber original sections 2, 3, 5, 6, 8, 13, and 14 as sections 1 to 5, 7, and 8, respectively.

(Signed) Steve Fowler, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fowler asked unanimous consent to have his name added as co-introducer to LR 219. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 782. Title read. Considered.

Standing Committee amendments, Req. #2592, found in the Journal on page 489 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 18 present and not voting, and 1 excused and not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 4, Section 6 to permit the consideration of LR 220 today.

The motion prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 220. Read. Considered.

LR 220 was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LR 220. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

1. On page 2, in lines 10, 12, and 13 strike "eighteen" and insert "sixteen"; and in line 16 strike "thirteen" and insert "eleven".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

1. On page 2, line 14, strike "thirty-seven" and insert "thirty-three"; and in line 18 strike "fifty" and insert "forty-one".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 669A. By Kremer, 34th District.
This bill introduced on behalf of: LB 669.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, Eighty-Seventh Legislature, Second Session, 1982; and to declare an emergency.

LEGISLATIVE BILL 767A. By Schmit, 23rd District.
This bill introduced on behalf of: LB 767.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Eighty-Seventh Legislature, Second Session, 1982; and to declare an emergency.

ANNOUNCEMENTS

Speaker Marvel directed LB 590 and LB 590A be moved from Passed Over to General File.

Mr. Clark designates LB 633 as his priority bill.

Speaker Marvel designates LB 708 as his priority bill.

Mr. Wiitala designates LB 835 as his priority bill.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 887. Placed on General File.

LEGISLATIVE BILL 875. Placed on General File as amended.
Standing Committee amendments to LB 875:
Req. #2657

1. Insert the following new section:

''Section 1. That section 16-674, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-674. The mayor and city council shall have power to purchase or provide for, establish, construct, extend, enlarge, maintain, operate, and regulate for the city any such waterworks, gas works, power plant, including an electrical distribution facility, electric or other light works, or heating plant, or to condemn and appropriate, for the use of the city, waterworks, gas works, power plant, including an electrical distribution facility, electric or other light works, or heating plant. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724, except as to property specifically excluded by section 76-703 and as to which sections 19-701 to 19-707 are applicable.''.

2. On page 2, line 24, strike ''section'' and insert ''sections 16-674 and''; and in line 25 strike ''is'' and insert ''are''.

3. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

(Signed) David Landis, Chairperson

Revenue

LEGISLATIVE BILL 25. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 604. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 604A. Title read. Considered.

Standing Committee amendment found in the Journal on page 492 for the Seventeenth Day was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 221.

Introduced by Fowler, 27th District; Lamb, 43rd District.

WHEREAS, the National Weather Service maintains full-time weather service stations in Lincoln, Nebraska and Valentine, Nebraska; and

WHEREAS, the weather station in Valentine, Nebraska, is scheduled to close April 1, 1982, as a result of a 1982 budget cut; and

WHEREAS, the Lincoln station would be closed in fiscal year 1983 if President Regan's proposed budget is enacted; and

WHEREAS, the elimination of the Valentine and Lincoln weather stations would result in the loss of necessary weather services for north central and southeast Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature oppose the closing of the National Weather Service stations in Valentine and Lincoln, Nebraska.
2. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States, the National Weather Service, and to each Member of the Nebraska Congressional Delegation.

Laid over.

VISITORS

Visitors to the Chamber were Marlin Winter from Norfolk; Gaylord Lacey from Grant; Gary Thompson from Red Cloud; Jack Marlatt from Minden; 18 fifth and sixth grade students and teacher from Beattie School, Lincoln; Senator Hefner's brother, Franklin Hefner, his wife, Janice, and their daughter, Dianna; Arlo Wirth from Hartington; and Art Anderson and son, Greg, from Bloomfield.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Marvel, the Legislature adjourned until 9:30 a.m., Tuesday, February 16, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 16, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 16, 1982

Pursuant to adjournment, the Legislature met at 9:36 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Chris Brekke, Our Savior Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Stoney who was excused; and Mesdames Higgins, Labedz, Messrs. Beutler, Dworak, Goodrich, Hoagland, V. Johnson, Newell, Remmers, Schmit, Vickers, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 667, line 7, strike "persons", and insert "percent".
The Journal for the Twenty-Fifth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 662. Placed on Select File.
LEGISLATIVE BILL 729. Placed on Select File.

LEGISLATIVE BILL 669. Placed on Select File as amended.
E & R amendments to LB 669:

1. On page 2, line 5, strike "Nebraska state senator" and insert "member of the Legislature"; in line 15 strike "state senator" and insert "member of the Legislature"; and in line 23 strike "vacancy" and insert "termination".
2. Insert a comma before and after the matter

added by the Carstens amendment.

3. On page 4, line 1, strike "cannot" and insert "shall not".

4. In the title, line 6, strike "such" and insert "any", and insert "to provide for termination;" after the semicolon; and in lines 6 and 7 strike "repeal an existing compact" and insert "terminate the existing commission".

LEGISLATIVE BILL 782. Placed on Select File as amended.
E & R amendments to LB 782:

1. In committee amendments, page 2, insert an underscored comma at the end of line 19.

2. In the title, line 2, strike "and"; in line 3 insert "and 23-1732," after the comma; in line 5 strike "a"; and strike line 6 and insert "office merit commissions;".

LEGISLATIVE BILL 604. Placed on Select File.
LEGISLATIVE BILL 604A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 358 Monday, February 22, 1982 (rehearing) 1:30 p.m.

(Signed) John W. DeCamp, Chairperson

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 651. Placed on General File.

(Signed) Jerry Koch, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 592, 511, 448, 370, 263, 239, 231, 198, 192, 450, and 465.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 69 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 3, line 2, after the period insert "Except as provided in this section, no criminal liability shall be imposed for a violation of this act.".

ATTORNEY GENERAL'S OPINION

Opinion No. 191
February 11, 1982

Dear Senator Cullan:

This is in response to your letter of February 1, 1982, in which you indicated that the Public Health and Welfare Committee is currently considering LB 684 which concerns Aid to Dependent Children benefits for unborn children through pregnancy. You stated that recent changes in federal law have prohibited federal funds from being used to provide such benefits until the sixth month and that the Legislature during the 1981 Special Session decided to fund such benefits using state funds. According to your letter, LB 684 proposes to prohibit such benefits until the child is actually born although the federal government will fund such benefits following the sixth month of pregnancy. You indicated that the committee is currently considering an amendment to LB 684 which will continue the ADC benefits which currently exist but will restrict those persons who can receive benefits funded entirely with state funds to those persons who have been Nebraska residents for twelve months prior to application for such benefits. You asked for our opinion on the constitutionality of the residency requirement.

The proposed amendment to LB 684 is constitutionally defective in two regards. First, the amendment proposes a one year residency requirement which is violative of the Equal Protection Clause and consequently it is impermissible in light of the United States Supreme Court decision of Shapiro v. Thompson, 394 U.S. 618 (1969). Secondly, inasmuch as the proposed amendment denies welfare assistance to unborn children after the fifth month of pregnancy, it creates a federal-state legislative conflict and therefore it must fall under the dictate of the Supremacy Clause.

In Shapiro, the United States Supreme Court held the statutory provisions of Connecticut, the District of Columbia, and

Pennsylvania which denied welfare assistance to residents who had not resided in their respective jurisdictions for one year prior to their applications for assistance unconstitutional. According to the Court, the residency requirement did not promote a compelling governmental interest merely because it: ". . . (1) facilitates the planning of the welfare budget; (2) provides an objective test of residency; (3) minimizes the opportunity for recipients fraudulently to receive payments from more than one jurisdiction; and (4) encourages early entry of new residents into the labor force." Id. at 634.

The Court also addressed the argument that Congress had expressly approved the imposition of the residency requirement by the States as part of the AFDC program by enacting section 402(b) of the Social Security Act of 1935, as amended, 42 U.S.C. §602(b). It disposed of the argument as follows:

> Finally, even if it could be argued that the constitutionality of §402(b) is somehow at issue here, it follows from what we have said that the provision, insofar as it permits the one-year waiting-period requirement, would be unconstitutional. Congress may not authorize the States to violate the Equal Protection Clause.

394 U.S. at 641.

Consequently, under the Supreme Court's mandate in Shapiro, the proposed amendment to LB 684 is unconstitutional since the residency requirement which it proposes creates a classification which denies the equal protection of the laws because the governmental interests served by the classification are not compelling.

Additionally, the denial of welfare assistance to unborn children would be impermissible under the Supremacy Clause due to a federal-state legislative conflict. Under the eligibility requirements of the Department of Health, Education and Welfare, 45 C.F.R. §233.90(c), unborn children are entitled to receive AFDC benefits. Although it appears as if §233.90(c) allows the states some leeway to vary from the federal standards, unless there is clear congressional authorization for the exclusion, the states may not exclude persons eligible for assistance under federal standards. The authority for this proposition stems from the language of the United States Supreme Court in Townsend v. Swank, 404 U.S. 282 (1971), wherein it stated at 286:

> King v. Smith [392 U.S. 309 (1968)], establishes that, at least in the absence of congressional authorization for the exclusion clearly evidenced from the Social Security Act or its legislative history, a state eligibility standard that excludes persons eligible for assistance under federal AFDC standards violates the Social Security Act and is therefore invalid under the Supremacy Clause.

As you alluded to in your letter, recent changes in federal law have prohibited federal funds from being used to provide AFDC benefits to unborn children until the sixth month. This can be construed as a clear congressional authorization to exclude unborn children up until the sixth month of pregnancy from eligibility for AFDC. However, there is no congressional authorization to exclude unborns from AFDC eligibility after the fifth month of pregnancy. Any state legislative attempt to do so would clash with federal law in violation of the Supremacy Clause.

To reiterate, the proposed amendment to LB 684 would be held unconstitutional because a similar requirement in a state statute was struck down in Shapiro v. Thompson, 394 U.S. 618 (1969), as violative of the equal protection clause. In addition, there has been no congressional authorization to exclude unborns from the receipt of welfare assistance after the fifth month of pregnancy, and any state legislative attempt to do so would fall under the Supremacy Clause.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:kkh
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received annual report from Nebraska Energy Office pursuant to Section 81-1607.

Received report from Office of Risk Management/State Claims Board for all claims processed and paid under State Tort Claims Act in compliance with Section 81-8,226, R.S. Supp. 1981.

ANNOUNCEMENT

Mr. Barrett announced an executive session of the Business and Labor Committee on February 17, 1982 at 10:30 a.m. in the West Lounge.

UNANIMOUS CONSENT - Member Excused

Mr. Duda asked unanimous consent to be excused February 17, 1982. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 216. Read. Considered.

Mr. Cullan asked unanimous consent to withdraw LR 216. No objections. So ordered.

LEGISLATIVE RESOLUTION 219. Read. Considered.

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LR 219. No objections. So ordered.

LR 219 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 221. Read. Considered.

Mr. Wesely and Mrs. Marsh asked unanimous consent to have their names added as co-introducers to LR 221. No objections. So ordered.

LR 221 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 222.

Introduced by Chambers, 11th District.

WHEREAS, the proposed Omaha North Freeway has been withdrawn from the Interstate System; and

WHEREAS, federal funding has been cut drastically for the Interstate Transfer program which funds such withdrawn projects; and

WHEREAS, Nebraska and Iowa projects other than the North Freeway are funded through the Interstate Transfer program; and

WHEREAS, the Reagan administration proposes to turn funding of Interstate Transfer projects over to the states; and

WHEREAS, the projected cost of the North Freeway is $50 million; and

WHEREAS, only $2 million has been earmarked to fund all Interstate Transfer projects in Nebraska; and

WHEREAS, if Congress should continue to appropriate $2 million per year for Interstate Transfer projects in Nebraska and the total amount expended solely for the North Freeway, to the exclusion of all other projects, and should all economic factors remain constant, completion of the project would require 25 years; and

WHEREAS, millions of dollars of public money will be required for the relocation of utilities, in connection with the project; and

WHEREAS, to start construction and not finish the project will cause disruptions and irreparable damage to the affected community; and

WHEREAS, no prudent person would start a massive highway construction project without the prospect of being able to complete it; and

WHEREAS, no construction will be commenced on a regional veterinary college unless and until adequate federal and private funds shall be available to assure completion; and

WHEREAS, the Nebraska Legislature formally and officially has gone on record refusing to guarantee state funds for completion of the North Freeway, should federal funding fail.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That in the event that the federal government shall fail to guarantee funds sufficient to complete the Omaha North Freeway, no construction shall be commenced.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 139, 353, 417, and 421.

Correctly Engrossed

The following bills were correctly engrossed: 126, 212, 212A, 215, 278, 304, and 410.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 126

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 126:

1. In the Beutler amendment on page 472 of the journal, line 6, an underscored comma has been inserted after "property".

Enrollment and Review Changes to LB 212

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 212:

1. On page 4, line 13, as amended, a comma has been inserted after "osteopath's"; and in line 17, as amended, "department" has been stricken and "department's representative" has been inserted.
2. In committee amendments, page 2, line 6, the comma has been stricken.

Enrollment and Review Changes to LB 215

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 215:

1. In the V. Johnson, Chronister, and Landis amendment, line 3, "of Nebraska" has been stricken and "Supplement" inserted.

Enrollment and Review Changes to LB 278

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 278:

1. Because of Laws 1981, LB 3, section 1, underscoring has been removed from the comma on page 2, line 6.

Enrollment and Review Changes to LB 410

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 410:

1. The new matter added by the Landis amendment has been inserted in committee amendments, page 4, line 1, after "(6)", and the balance of the amendment has been omitted as duplicative.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 137. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2573.)

(Signed) John W. DeCamp, Chairperson

MOTION - Escort Chief Justice

Speaker Marvel moved that a committee of 5 be appointed to escort the Chief Justice for purposes of delivering the State of the Judiciary Address.

The motion prevailed.

The Chair appointed Messrs. Nichol, V. Johnson, DeCamp, Landis, and Beutler to serve on said committee.

STATE OF JUDICIARY MESSAGE

February 16, 1982
Presented By
Chief Justice Norman Krivosha
Nebraska Supreme Court

Mr. President, Mr. Speaker, Distinguished Senators, Fellow Nebraskans:

It is once again my extreme privilege to appear before you and present to you a report on the State of the Nebraska Judiciary. As the holders of the State purse, and molders of the State laws, it is vital that you be made aware of what is transpiring in the judicial branch of government, just as you are aware of what is going on in the legislative and executive branches of government. By keeping informed you will be better armed to fulfill your constitutional reponsibilities, just as your action in fulfilling those responsibilities will better permit us to fulfill ours.

It is for that reason that I consider your invitation to appear and present this report not only a generous act on your part, but more importantly, one of responsible goverance. I take the act of delivering this report as one of the most important duties I perform as Chief Justice and do not look upon it as mere ceremonial trappings. I hope you find the report of equal value to you in making your deliberations. Before proceeding to report on specific items, I would like to share with you a general thought.

Experience on the Court has now convinced me that the plan designed for the operation of our State government, as embodied by example in the United States Constitution, and later developed and set in our own State Constitution, is the result of good judgment and wisdom. By creating three branches of government, independent of each other in their assigned duties, yet interdependent upon each other for the fulfillment of society's needs, the best of all worlds is attained.

The fact that we are at the same time independent of each other and yet interdependent on each other, is both a blessing and a curse. It is a blessing in that by maintaining three independent and separate branches of government, we are better able to balance the rights of the people. And yet a curse because too often we fail to adequately communicate with each other as to our particular needs and further fail to share with each other the knowledge and experience we have gained. Each of us, in our own way seem determined to reinvent the wheel on each and every issue even though a little discussion might merge our collective thinking and more quickly solve our mutual problems. It is this communication, or rather the lack of it, either directly to each or through other public expressions, which seems to cause a problem for us.

There are some who would argue that the court's only function is to decide cases and controversy, and judges, particularly the Chief Justice, have no business expressing views with regard to society's needs, nor cooperating with the other branches of government in attempting to resolve obvious problems. No one would argue that courts must, in one sense, be free of influence and totally independent. But the independence necessary for the proper functioning of the judicial branch of government is with regard to its decision-making function and not its administrative function.

Alexander Hamilton, writing in The Federalist, perhaps said it best when he wrote: "The complete independence of the courts of justice is particularly essential in a limited constitution. By a limited constitution I understand one which contains certain specified exceptions to the legislative authority. Such, for instance, as that it shall pass no bills of attainer, no expost facto laws and the like. Limitations of this kind can be preserved in practice no other way than through the medium of the courts of justice whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this all the reservations of particular rights or privileges would amount to nothing."

Yet, we must not confuse the independence of decision-making with the mutual cooperation that can exist among the branches of government in attempting to resolve the needs of society.

In a recent issue of the New York Times, Senior Judge Irving R. Kaufman, former Chief Judge of the United States Court of Appeals for the Second Circuit, wrote an article entitled "Judges Must Speak Out." He noted in particular criticism expressed of Chief Justice Warren E. Burger's proposed reforms in bail delivered to the American Bar Association. He said, and I quote, "Some critics have asserted that the Chief Justice's statements were inappropriate, not only because his views were used by a legislator, but also because two cases testing the constitutionality of using bail for preventive detention were soon to reach the United States Supreme Court.'' As you know, those cases were both from Nebraska. He then went on to say, ''Such criticism reveals a fundamental misperception of the responsibility of judges to educate the public and the other branches of government. More important, the misunderstanding reflects a lack of confidence in the integrity of judges. In the public interest judges may, and indeed must, give legislators the benefit of their special expertise gained during years of wrestling with specific legal problems.'' He concluded by saying, and again I quote, ''The message is clear. Judges may not merely express their view on matters within their judicial province, but have an obligation to do so in the public interest.''

The argument advanced by Judge Kaufman makes good sense to me and I find myself in complete agreement with his thoughts. It is in that spirit that I present this report and once again extend to you the invitation which I made to you a year ago. Please feel free to seek the assistance of our Court Administrator's Office on any problem you are addressing and with which we can be of help. The office of the Court Administrator is able to provide you with much information concerning a host of matters involving proposed legislation. The problems confronted by our state are not unique to our state and we should at least be able to have the benefit of others' experience. Through the office of the Court Administrator we can either provide you with a great deal of information already available to us, or obtain for you information from a host of sources available to that office. We seek to offer this assistance not out of any desire to control your actions, but out of a desire to aid you in your deliberations. I am not concerned that such a relationship will effect the independence of the courts.

On another matter of general interest, I would like to share with you what may better explain my concerns about the future of the Judiciary in Nebraska.

There has developed in our society an attraction to slogans. Somehow we believe that difficult and complex problems can best be solved, if we can reduce them to simple slogans. One such popular slogan today is ''If it isn't broken, don't fix it.'' While at first blush that may appear to be good advice, on further analysis I suggest it is no advice at all. For, you see, one can afford to wait until the item is broken before giving it our attention, only if the item is expendable, and we can afford to be without it during the time it is being repaired. But if the item we are concerned about is life supportive, waiting until it breaks before giving it our attention; before providing careful maintenance and instituting thoughtful modifications, may indeed be dangerous. If one is dependent upon oxygen for life, one would not want to wait until the oxygen equipment broke, before making necessary adjustments. So too is the case with regard to a number of the problems facing the judicial branch of government, and its effect upon the public. Many of these matters are life supportive, and cannot wait attention until they no longer work. For too long now, we have attempted to solve many of our problems by crisis. For too long, we have refused to take on a problem until there is little or no time left to address the problem and plan a solution. Such action leaves us with few alternatives and little choice. I suggest to you that it is imperative that we begin to develop a procedure, at least for the judicial branch of government, and the functions which it must perform, which permit periodic inspection and maintenance, and do not require massive surgery before something is done. One of the most essential elements of an effective judicial branch of government is public understanding and acceptance. Only by careful advance planning can we provide sufficient time to permit public understanding and ultimate acceptance. To therefore adhere to the view "If it isn't broken, don't fix it" denies to the public the opportunity to have a chance to be informed and carefully reflect on the facts. It is in that spirit that I share with you the condition of the judiciary and solicit your aid and support in addressing the problems.

As compared to many of the other states of the Union, the problems of the Nebraska Judiciary are but minor. Yet the problems, such as they are, are significant in that they tell us, that what other states are now experiencing, is awaiting us. Keeping then with what I have suggested is necessary in order to provide ourselves with adequate lead time, I urge you to give careful consideration to the present and future needs of the judicial branch of government. Not because the members of the judicial branch of government require such consideration, but because the public requires such consideration.

Perhaps the most serious single problem facing the judicial branch of this state today is the size of the docket at the Supreme Court. Statistics kept by the Clerk of the Supreme Court discloses that on December 1, 1981, 929 new cases have been filed with the court during the preceding 12 months as compared to 741 filed one year earlier. As of February 1, 1982, there were 700 cases still on the docket, compared to but 609 on February 1, 1981. And while the number of cases undisposed of remaining on the docket continues to grow, the number of cases disposed of by the court, likewise, continues to grow. On September 1, 1981, the court had disposed of 778 cases during the previous 12 months as compared to 650 the year before, an increase of 128 cases. As a matter of fact, the court disposed of more cases in 1980-81 than the total number of cases filed for the year 1979-80.

During the first 5 months of the current court year, the court has disposed of 61 more cases than it did during a similar time last year. And yet, the numbers continue to grow at alarming rates. Though we have disposed of 61 more cases, the number of cases at issue unsubmitted has increased by 59.

In an effort to address this issue, the court continues to attempt to implement various devices which hopefully have little or no cost impact. The court has now increased the time it sits to hear oral argument by 30% and has, beginning with this court year, determined to sit 11 months of the year, 6 days a month, during which time we hear, on the average, 40 to 45 cases.

While that may not strike the uninitiated as being a significant increase, let me assure you that this does place a substantial additional burden on the court. By increasing the time of oral argument by 30%, we increase the number of cases requiring the writing of an opinion by nearly 100. Disposing of the number of cases we now decide requires, at a minimum, the reading of some 800 legal briefs varying in pages from as few as 10 or 12 to as many as 50, plus an additional 200 briefs filed in connection with summary dispositions such as excessive sentences and motions to withdraw. The reading of those briefs are but a small part of the decision-making process and, of course, does not even begin to address the time involved in deciding cases. When one further considers the time that must be taken in reading all of the evidence contained in the bills of exceptions, doing the necessary research, and writing the ultimate opinions, little if any time is left. The bill of exceptions run anywhere from several hundred pages to as much as 8,000 pages per case. The court is currently releasing some 2,500 pages of opinion annually. This number does not include summary dispositions.

The court has advised the bar that in an effort to address this problem, the court has determined that it may not write an opinion in all cases. In particular, we have decided not to write opinions in certain domestic relations cases where the issues are not new or unique or uncertain. Or, for that matter, the court may not write an opinion in any other case which the court determines, after review, will not further the knowledge of the law significantly. In that event, the cases will be decided by simple per curiam opinion, advising the parties that the judgment is affirmed. While that is not a desirable practice and one which the court would not prefer to follow, it is, at the moment, a necessary requirement if we are to have any success at addressing the problem. Furthermore, if we are to continue operating at this level, it will be necessary for us to have assistance in the form of additional law clerks.

The court has further determined that it will continue its prehearing conference program, both voluntary and mandatory, and has, beginning January 1, 1982, expanded the mandatory prehearing conference. Beginning after January 1, 1982, all domestic relation cases, all tort cases, all workmen compensation cases, and all those cases in which judgments of $5,000 or less were sought or obtained, are required to be submitted to amandatory prehearing conference. While the initial reaction by some to this plan was not favorable, the court is hopeful that the bar will more readily accept this procedure as time goes on. In any event, the procedure will be followed. The value of the procedure is apparent to those who have taken advantage of it. Even in those instances where settlement cannot be effected, narrowing the issues often results in simplifying the appeal, expediting its decision, and reducing the costs.

Furthermore, the court, in an effort to address the docket problem, has determined that if the parties attending a prehearing conference waive oral argument, the court will, as soon as all of the briefs have been filed, consider the case submitted and will assign the case for the writing of an opinion. This is a procedure which is known as "fast tracking," and cuts down the time a case must wait before it can be decided. The court reserves the right to order oral argument, however, in the event that the court believes that oral argument is either necessary or helpful in the particular case. While this procedure may aid in expediting the time in which cases are disposed of, it does, as you can readily determine, add a further burden to the number of cases to be handled by the court.

Many other states have attempted to resolve this difficult docket problem by the creation of an intermediate court of appeals. We have, as yet, resisted suggesting this alternative to you. We recognize that this alternative, though it may be inevitable and may be necessary, will result in incurring substantial additional costs. And before we burden the state with such additional costs, we are committed to work to our maximum in an effort to address the problem.

You must, however, be mindful that the limitations of such an effort is not simply hard work. For at some point the quantity of work begins to dilute the quality of the work and the quality of the work is as important, if not more important than, the quantity. Poorly written opinions, while perhaps disposing of numbers, do little to establish an appropriate, clearly defined body of law. I must advise you that we are now reaching, if we have not already arrived, at our maximum level of work. The court cannot dispose of very many more cases under its current system than it is now doing. It will, however, for a while longer, attempt to attack the problem simply with greater dedication and effort.

While the docket problems at the trial court level do not appear to be as severe at the moment, the Supreme Court, nevertheless, has begun to develop procedures which can anticipate such eventual problems. The court has attempted to encourage the use of telephones by the trial courts where proper to handle motions and prehearing conferences, thereby cutting down unnecessary travel for both lawyers and judges. We have now submitted to you legislation which will grant the trial court greater authority to formally enter orders outside the county where the case is heard. The reason for that is again simply to permit the courts' time to be better utilized.

In an effort to keep better track of cases, we have recently adopted a rule at the court which requires each trial judge in the state to report once a month to the Supreme Court any case which the trial court has had under advisement for more than 90 days and the reason for that fact. I might add that the number of cases reported are very few and almost always are necessitated by events beyond the control of the judge. A special trial progression committee headed by Justice Hastings of our court is continuing to examine these matters and is now looking at proposed rules which may require that once a case is filed it must be brought to issue within a specified period of time and once at issue, must be heard by the court within a specified period of time. In this manner we hope to avoid the practice of having cases filed, though there is no real intent to pursue the case or have the trial of the matter wait for a long period of time to the dismay of the litigants.

And yet, with all of these changes either occurring or contemplated, it has become apparent to me and to the leadership of the bar that absent a change of attitude on the part of both lawyers and the public, there may not be any ultimate solution to the docket problems. While no one could argue that having open courts available to everyone is indeed the hallmark of an open and free society, yet, no one must be misled into believing that bringing every dispute to the court can do anything but ultimately clog the wheels of justice. Litigating every conceivable dispute, no matter how real, does little to further the cause of freedom and justice.

Chief Justice Warren Burger, in his recent address to the American Bar Association, has urged that we proceed to look at alternative means of dispute resolutions. We have likewise urged such an examination in hopes that methods may be devised which encourage people to find ways of resolving differences among themselves through the use of arbitration or mediation. While again, I do not suggest that we should impede the use of the courts where necessary, we must begin to obtain the cooperation of lawyers and their clients in addressing this problem.

Certain groups of people are better served through mediation than through litigation. When a tenant sues a landlord, the tenant ultimately loses no matter who wins the lawsuit. When an employee sues an employer, the employee ultimately loses, no matter who wins the lawsuit. When neighbors litigate, both lose no matter who wins the lawsuit. Persons who must maintain continuing relationships must be afforded methods of resolving their disputes which do not follow traditional advocacy practices.

The entire area of divorce must be studied so that if the marriage must be dissolved, it is done in a civilized, rational and noncombative manner. The scars of divorce litigation are often long in healing and have affects which reach beyond the immediate parties.

I realize that such a suggestion is likely at first to be viewed by some with alarm and by others with outright rejection. Yet, I believe we must begin considering such alternatives if we are to be able to adequately meet the needs of the people. I underscore the word consider, for I believe such a project would require careful study.

And even with all of this, one more important investigation is necessary. Most states which have attempted to attack congested dockets with various procedures, including the creation of intermediate courts of appeal, eventually find themselves right back where they started. I have attempted to determine the reason for this phenomena. I have suggested to the bar in the past and now suggest to you, the real culprit in all of this is attitude, expressed and practiced by both lawyers and their clients. Too often, as I have already indicated, individuals refuse to find a reasonable solution to their problems and instead insist on litigating. Rather than turning to the Legislature first to solve an apparent problem, the parties too often look to the courts. All of us working together must seek to change those attitudes if we are ever to succeed.

In an effort to try and address that problem, the Nebraska State Bar Association, in cooperation with the Supreme Court, recently sponsored a symposium which addressed that problem. Attending that meeting in Kearney, Nebraska, were leaders of the state bar and representatives of the courts. During the two days careful consideration was given to the problems of court delay and lawyers' attitudes. We are hopeful that as a result of that initial meeting, further work will be done by the bar toward addressing the matter of attitudes and the docket problem. It is imperative, in my view, that we once again establish the image of the lawyer as the peacemaker and not as the litigator; as the mediator and not as the hired gun. To be sure, there will remain those cases which, because of honest differences of opinion, either as to the facts of the matter or the law, will require litigation. But, that should be left only to those cases which cannot otherwise be resolved.

A further matter which will require consideration by both the judicial branch of government as well as the legislative and executive branches of government, is the matter of legal aid to poor. As the viability of federally funded legal services become more doubtful, it becomes apparent that other resources must be secured. In my annual address to the bar, I suggested to them that some form of pro bono service to the poor must be redeveloped in an effort to fill the void. The bar association, through its leadership, has accepted that challenge and is even now looking at possible ways of resolving the issues. Pro bono, however, standing alone will not prove to be the answer to this very difficult problem.

Let no one be misled as to the value of legal services for the poor. Nor should anyone be misled as to why America has enjoyed quiet times in recent years. The availability of a courtroom or resolving disputes has played a major role in that matter. A courtroom, where all are equal and none superior, does much to relieve feelings of anger and outcry. When the courtrooms are closed, those people may have no other alternatives but to seek redress elsewhere. And while such behavior is not to be condoned nor permitted, nevertheless, we cannot ignore the realities of life. I am hopeful that through the joint efforts of the three branches of government we may be able to design some method whereby persons needing legal assistance, but without adequate funds, may continue to receive those services. This, again, is one of those situations where we cannot wait until it is broken before we fix it. We must not attempt to resolve this in a crisis. But rather, we should begin early so that we can thoughtfully and carefully prepare for what is inevitable. I fear that even if we begin immediately it may not be soon enough.

A number of bills have been introduced in this session of the Legislature at the suggestion of the Supreme Court. Several of them have already started to move across your board. I believe that by and large they are fairly clear on their face and I will not take your time now to discuss them in any detail. Let me merely comment that they are suggested as part of our continuing effort to improve the quality of the judicial system so that we may better deliver our services to the public. If, however, for any reason you have questions concerning the intent or purpose of any bill which we have suggested, we urge that you contact the Court Administrator's Office before concluding that it is of no purpose. The ultimate decision as to whether it should be adopted is yours. We only ask that you afford us the opportunity of explaining our reasons for making the request before you take action.

There is, however, one bill which may not be quite so clear on its face and I would like to take a moment to address that. I refer to L.B. 724. While most matters heard by the federal courts arise out of federal law, including the acts of Congress, there is one important area which is otherwise. I refer to the area known as the federal courts diversity jurisdiction. In a diversity case, state law is controlling. A diversity case is simply a case filed in federal court, involving a matter controlled by state law, where the parties are citizens of different states and the amount in controversy exceeds $10,000. When such a case is filed in the federal court, the federal court is obligated to follow state law. Occasionally, however, the matter which is filed in the federal court will be a case of first impression, never having been passed upon by the state court. In such a case, the federal courts are required to anticipate what action the state court would take if the matter was ever presented to the court. The Uniform Certification of Law is a uniform state law developed by the National Conference of Commissioners on Uniform State Laws and has now been adopted in approximately 19 states. We therefore have the benefit of their experience, and the benefit of that experience discloses to us the advantages of such a law. Rather than simply guessing at what a state court might do, the federal court is authorized to petition the Supreme Court of Nebraska to take jurisdiction in the case for the purpose of deciding the questions of law, but not the questions of fact. Under the bill, as drafted, we are not obligated to accept the case, but may do so if we conclude that it is advantageous to permit us to make the initial determination rather than having the federal courts guess. As I have indicated to you, those states which have operated with such a rule for a number of years, have found it to their advantage. I urge your favorable consideration. This, again, is an example of receiving back from the federal government authority which more properly should be with the state courts.

I turn now, for a few moments, to a topic which is of pressing concern to me and I know, to you as well. I refer to the matter of crime and in particular, to the matter of crime in Nebraska which, of course, is the area in which we are responsible. I only wish it were possible for me to tell you that by simply pledging my support to eradicate crime we could anticipate to see a substantial change. Those of you who have given the matter any thought at all know that commitment alone will not bring about results. Though, to be sure, commitment by those responsible is necessary.

The greater difficulty with the problem is that, in the first instance, we really don't understand crime and, in the second instance, we appear often to be operating at odds with each other in attempting to find solutions, unwilling to discuss the problems and unwilling to mutually attempt to resolve them. Historically we have attempted to attack the matter of crime by gathering together rational people to design rational solutions for irrational behavior. We have attempted to determine how to deal with people who don't think at all like those of us who are law-abiding.

The threat of punishment alone has never in the past successfully deterred crime. It is not the severity of the punishment which deters crime but the certainty and swiftness with which the criminal is apprehended and punished that deters crime. That notion is not new or startling. My historical mentor, DeTocqueville, writing more than 100 years ago, said, and I quote: "In the middle ages when it was very difficult to reach offenders, the judges inflicted frightful punishments on the few who were arrested; but this did not diminish the number of crimes. It has since been discovered that when justice is more certain and more mild it is more efficacious. The English and the Americans hold that tyranny and oppression are to be treated like any other crime by lessening the penalty and facilitating conviction."

If then what we seek to do is reduce crime, then we must address it from the perspective that is most likely to be effective.

As far as the swiftness with which the penalty is imposed is concerned, the Nebraska courts, contrary to popular belief, are not only operating efficiently and swiftly, but as fast as a democratic, due process system will permit. While polls disclose that the public in Nebraska believes that we are too slow, facts of the matter will not support that view. In metropolitan Omaha, where the greatest number of criminal matters are handled by the courts, the average time from arrest to sentencing in 75% of the cases is less than 60 days. While it may be that the public believes that punishment should be inflicted within hours or days, our due process system of justice does not permit that to happen. We must not be confused here in Nebraska by statistics which exist elsewhere. There is no basis for concluding that the conviction of offenders are so delayed, as a general rule, as to promote crime in Nebraska.

The other part of the formula is quick apprehension. In that regard, neither the action of the courts nor the length of the sentence will guarantee the swift apprehension of the offenders. Passing legislation to make the punishment for the crime more severe does not in any manner ensure that the offender will be apprehended. The efforts and the money to support those efforts must be directed to the law enforcement agencies so that they may be able to perform their assigned tasks with greater success. Let me not be misunderstood to suggest that I am criticizing the law enforcement agencies, nor finding fault with what they do. Quite to the contrary, I am extremely proud and complementary of what they do, considering the severe handicaps under which they must operate, particularly now with the loss of LEAA funds. I simply suggest to you, however, that extending the sentence by legislation and walking away does not address the problem and should not permit you to believe that you have done what you should do so that it becomes everybody else's responsibility. As is so often the case, if each of us continue to operate in our own sphere without cooperation what you may do in an effort to address the problem may only exacerbate what others of us are required to do.

So often today another favorite slogan is "Let's run things in a businesslike way." Let me then pursue that for a moment. Everyone in business understands that if the turnover of their goods is reduced while their inventory increases, they must build more storage space. If you simply provide that longer sentences should be imposed, as you have the authority to do, then you must likewise be prepared to solve the problem of space for those who are coming into prison in greater numbers and staying for longer periods of time.

And what do we do with the prisoners once we imprison them for longer periods of time. We are limited in what we may do, both because of legal restrictions and because of lack of funds. We are limited as to what work they may do because it is unlawful for them to compete in the marketplace. Yet, until we are able to teach them skills which they may use on the outside, how will they be able to accept their responsibility? The court is currently working with the Department of Corrections to create a department of printing within the Penitentiary to do the printing for the court, including the printing of its opinions. Hopefully by teaching individuals the craft of printing, we may provide them with the means with which to earn a livelihood upon their return to society. Other efforts by both the public and private sector must be considered.

And perhaps the most significant deficiency existing in the prisons today, in my view, is the lack of educational opportunity. Perhaps as many as 20% of those incarcerated are either illiterate or virtually illiterate. That such a situation should exist in a country in which literacy is its abundant natural resource is hard to understand. And yet, is it so hard to undersand why one, who after spending 3 or 5 or 7 years in prison, is released without a trade and without the ability to recognize his or her name in neon lights, returns to crime?

We have concerned ourselves, as we should concern ourselves, with the matter of educating the general population and providing such assistance to the various schools as appears appropriate. And without intending in any way to take from them, I simply suggest to you that education in penal institutions is even more important. Somehow with all of our resources, that group of people in the institutions were missed and need to be retrained. Nothing that I have suggested here is new or innovative. Nor is it intended as a quick cure for rising crime in Nebraska. It is intended only as a suggestion, that the fight against crime must be waged by all of us, acting in concert, and not by each of us individually, concerned only about our own little corner of the world.

To suggest, as is often done, that judges are the cause of crime. That judges don't care about their communities or their families; that judges are too lenient; that judges are indifferent, is once again to resort to unsupported slogans. There are exceptions. There are areas requiring change and improvement within the judiciary, but those minor deviations are not the cause of rising criminal statistics in Nebraska and no one should attempt to fool the public by suggesting that fact.

So concerned are we at the court about this matter, that we are even now in the process of planning a forum to be held sometime in late May or early June of this year. Members of this body will be invited to attend, as will representatives from as many of the various interests as we can identify. No one, on our part, believes that by holding such a meeting we will end crime in Nebraska. What we do hope to do, however, is attempt to bring the various interests together so that they may recognize the problems that each has in dealing with this difficult and pressing situation. And hopefully from that forum will come some ideas. Not as to how to solve the problem, but as to how to begin to attack the problem, in hopes that solutions can be found.

Let me end this portion by simply declaring in loud and unequivocal terms—The judiciary of Nebraska are not supportive of crime, nor are they the cause of it. We are concerned and we are committed and we stand ready to work with you in addressing this matter.

Let me conclude then by touching on one last matter which I have in part touched on throughout this address. During the past three years that it has been my honor to serve as Chief Justice of Nebraska, I have traveled the length and breadth of this state meeting, not only with the lawyers and judges of Nebraska, but with the citizens as well. That experience has confirmed my belief that Nebraskans are considerate, thoughtful, interested, people. And while they may not always agree with either my thoughts or my conclusions, they are always willing to permit me to speak about them. Moreover, even when they are unable to agree, it has been my experience that each of us part with a little better understanding of the other and a warmer feeling about each other. We have, I hope and I believe, reestablished a sense of trust and confidence between us. Not through the method of confrontation but rather through the method of communication.

I am further convinced as a result of my travels that notwithstanding what may be expressed, the public wants to have faith and confidence in its government at all levels. Its expression of anger and frustration is more likely caused because of its high expectations of us rather than the reverse. But the fact of the matter may be that they simply expect more from a democratic form of government than it is designed to deliver. I suggest that one of the first orders of business is a need to reestablish the people's confidence in its government. That confidence can only be reestablished by taking some positive action.

We must begin at once, acting in concert, to explain to the public the limitations of a democratic government. The power of a democracy is vested in its people and not in its government. Only through greater understanding and participation by the public generally can we make the system work. Again, the idea is not new, but the effort to bring it about must be revived.

And secondly, we must fight against the perpetuation of false notions and misinformation. We must find ways in this wonderful world of mass communication to get more and better information out to the public, so that they may more fully understand not only the problem, but the limitation of the alternatives. And perhaps most important of all, we, in government, need to stop attempting to lay the blame at each other's door. For while we may not appreciate the significance of our bickering, the public views the entire matter as foolishness, and wishes a plague on all of our houses. I mentioned at the outset my admiration of the framers of the Constitution. They envisioned our form of government, either at the federal level or at the state level, as persons in partnership and not as persons in competition. They envisioned that the independence of the branches of government, working together, would provide for our strength and not for our weakness. There is much that we can do if we will resist the temptation of ignoring the particulars and speaking in generalities when attacking a problem. We will do much for the betterment of our state if we will resist the temptation of always looking for the worst in others and failing to see what is good.

Perhaps there are those who will conclude that the Chief Justice has no business speaking out in this manner. That also is one of the great wonders of this free and democratic society. Anyone can be as critical of the Chief Justice as he chooses. And yet, as suggested by former Chief Justice Kaufman, to require me to ignore that I am a part of government and the head of one of its branches is to require me to move blindly when much of what is there is so clear. To suggest that I should only impose sentence and not seek to prevent the need for the imposition, is too narrow and too naive a position for me to accept. I wish to serve this state and its people, as do you. And I wish to ensure that the goodness which brought our state to where it is, carries us to the future. And I wish to do all of that while engaging in the occupation for which I was trained and which I love, the legal profession. I wish to be the head of a branch of government that is composed of peacemakers and not hired guns. But, I cannot do that without your help and cooperation and without your permitting me to help you and cooperate with you. I hope that in the year 1982 we may find ways to address these problems.

Perhaps one of the first ways would be to attempt to create some type of limited coordinating council consisting of the three branches of government who can periodically meet with each other and discuss our mutual future problems. While it may be popular today to suggest that if it isn't broken, don't fix it, it was earlier thought that a stitch in time saves nine.

Thank you very much for your kind invitation this morning.

The committee escorted Chief Justice Krivosha from the Chamber.

EXPLANATION OF VOTES

Had I been present Thursday, February 11, I would have voted aye on the following bills on Final Reading: 192, 198, 231, 239, 263, 370, 448, 511, and 592.

(Signed) Jerry Koch

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desire to report favorably upon the appointment listed below. The Committee suggest the appointment be confirmed by the Legislature and suggests a record vote.

Donald Stenberg - Director of the Department of Administrative Services

VOTE: For: Chronister, Goll, Kahle, V. Johnson, Kilgarin, Landis, Chambers (7). Against: None. Not Voting: None. Absent: Haberman (1).

(Signed) Martin F. Kahle, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 16, 1982, at 10:35 a.m., were the following bills: 592, 511, 448, 370, 263, 239, 231, 198, 192, 450, and 465.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 259. No objections. So ordered.

SPEAKER MARVEL PRESIDING

SELECT FILE

LEGISLATIVE BILL 305. Mr. Vickers offered the following amendment:

Amend LB 305 on line 17 page 3 to change to 15.

Mr. Cope moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Beutler offered the following amendment:

1. On page 2, line 7, after the comma insert “except that after June 30, 1986, the maximum age limit shall be sixteen years of age,”; and in line 27 after “age” insert “, except that after June 30, 1986, the maximum age limit shall be sixteen years of age,”.

2. On page 3, line 17, after the comma insert “except that after June 30, 1986, the maximum age limit shall be sixteen years of age,”.

3. On page 4, line 3, after the comma insert “except that after June 30, 1986, the maximum age limit shall be sixteen years of age,”.

Mr. Lamb moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment lost with 19 ayes, 24 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Beyer requested a machine vote on the advancement of the bill.

Failed to advance to E & R for Engrossment with 14 ayes, 29 nays, 5 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Speaker Marvel directed LB 230 be moved from Passed Over to General File.

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 629. Placed on General File.

LEGISLATIVE BILL 888. Placed on General File as amended.
Standing Committee amendments to LB 888:

1. On page 2, lines 24 and 25, strike "institution or facility listed" and insert "church as described".

2. On page 3, line 1, strike "institution or facility" and insert "church".

(Signed) Elroy Hefner, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 666. Placed on General File as amended.
Standing Committee amendments to LB 666:

1. On page 14, strike beginning with the comma in line 20 through "declaration" in line 24.

2. On page 15, strike beginning with the comma in line 3 through "architect" in line 5.

3. On page 16, strike lines 15 through 20.

4. On page 19, line 2, strike "28" and insert "38".

5. On page 22 strike beginning with "The" in line 18 through the period in line 20.

6. On page 23 strike beginning with "Each" in line 5 through the period in line 7.

7. On page 25, after line 5, insert "as provided under"; in line 20, strike "certification of a"; in line 21, strike beginning with "or" through the second "this"; and in line 22, strike "act" and strike "made by an independent" and insert "prepared by a".

8. On page 31, strike beginning with "An" in line 19 through the period in line 22.

9. On page 37, line 2, strike "form" and insert "from".

10. On page 44, line 19, strike "of" and insert "or".

11. On page 50, line 14, after "rights" insert ", such successor may not exercise any of those rights".

12. On page 65, strike beginning with "The" in line 12 through the period in line 22.

13. On page 66, line 15, strike "must" and insert "may".

14. On page 68, strike lines 1 through 4.

15. On page 69, line 14, after the second "to" insert "a".

16. On page 70, line 10, strike "who prepared" and insert "responsible for preparing"; and in line 12, after "any" insert "intentionally".

17. On page 71, strike beginning with the comma in line 3 through the comma in line 4.

18. On page 73, strike lines 6 through 9; in line 10, strike "(11)" and insert "(10)"; in line 14 after the comma insert "and"; strike lines 15 through 18; in line 19, strike "(iii)" and insert "(ii)"; in line 22, strike "(12)" and insert "(11)"; and in line 26, strike "(13)" and insert "(12)".

19. On page 74, line 5, strike "(14)" and insert "(13)"; in line 7, strike "(15)" and insert "(14)"; in line 9, strike "(16)" and insert "(15)"; in line 12 strike "(17)" and insert "(16)"; in line 15, strike "(18)" and insert "(17)"; in line 18, strike "(19)" and insert "(18)"; and in line 27, strike beginning with "(10)" through "(19)" and insert "(14), (15), (16), (17), and (18)".

20. On page 75, strike beginning with the comma in line 11 through the comma in line 12.

21. On page 76, strike lines 6 through 13; in line 14, strike "(7)" and insert "(6)"; in line 20, strike "(8)" and insert "(7)"; and in line 25, strike "(9)" and insert "(8)".

22. On page 77, line 5, strike "(10)" and insert "(9)"; in line 12, strike "(11)" and insert "(10)"; and in line 19, strike "(12)" and insert "(11)".

23. On page 78, line 15, strike "an independent" and insert "a"; in line 20, strike "expected" and insert "age"; and in line 21, strike "useful life".

24. On page 79, line 17, strike "conveyance of that unit" and insert "any contract of sale"; and in line 18, strike "any contract of sale" and insert "conveyance of that unit".

25. On page 80, line 10, strike beginning with the comma in line 10 through the comma in line 11; and strike beginning with "receive" in line 11 through "unit" in line 13 and insert "sustained by reason of such failure".

26. On page 82, line 20, strike "purchaser" and insert "purchase".

27. On page 83, strike beginning with "and" in

line 1 through "instrumentality" in line 4; and strike beginning with the comma in line 15 through "52-142" in line 18.

28. On page 85, after line 25, insert the following new subsection:

"(f) Any tenant may waive any provisions of this section by a written instrument executed after the date of the notice.".

29. On page 86, line 1, after "purchaser" insert "to his or her damage".

30. On page 87, line 3, after "express" insert "written"; and in lines 7 and 24, after "account" insert "impliedly".

31. On page 89, line 1, strike "defect" and insert "warranty"; and strike beginning with the comma in line 2 through "bargain" in line 3.

32. On page 90, strike beginning with "The" in line 14 through the period in line 15.

33. On page 91, line 14, strike "an independent" and insert "a".

34. On page 2, lines 14 and 18; page 3, line 7; page 16, lines 9, 12, 16, and 27; page 41, line 17; page 42, line 21; page 43, lines 8 and 21; page 46, line 12; page 51, line 22; page 52, lines 1, 11, and 13; page 53, lines 15, 18, and 25; page 54, lines 1 and 7; page 71, line 22; page 80, line 20; page 90, line 12; and page 102, line 17, strike "by-laws" and insert "bylaws".

35. On page 101, line 8; page 102, line 7; page 105, line 16; and page 108, line 19, strike "by-laws" and insert "~~by-laws~~ bylaws".

(Signed) John W. DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 783. Placed on General File.
LEGISLATIVE BILL 814. Placed on General File.
LEGISLATIVE BILL 919. Placed on General File.

LEGISLATIVE BILL 788. Indefinitely postponed.
LEGISLATIVE BILL 812. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.
LEGISLATIVE BILL 862. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 813. Placed on General File as amended.
Standing Committee amendments to LB 813:
Req. #2665

1. Strike the original sections and insert the following new sections:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Collateral shall mean the property subject to a security interest as defined by the Uniform Commercial Code;

(2) Consumer shall mean a natural person to whom credit is offered or extended by way of a transaction if the money, property, or services of the transaction are primarily for personal, family, or household purposes;

(3) Credit shall mean the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment;

(4) Creditor shall mean creditors who regularly extend, or arrange for the extension of, credit which is payable by agreement in more than four installments or for which payment of a finance charge is or may be required, whether in connection with loans, sale of property or services, or otherwise; and

(5) Default shall mean either of the following, if without justification under any law:

(a) The consumer fails to make a payment required by the agreement; or

(b) The prospect of payment, performance, or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment shall be on the creditor.

Sec. 2. (1) With respect to a consumer credit transaction, after a consumer has been in default for ten days for failure to make a required payment, a creditor may give the consumer the notice described in this section. A creditor gives notice to the consumer under this section when he or she delivers the notice to the consumer or delivers or mails the notice to the consumer's last-known residence address.

(2) The notice shall be in writing and shall conspicuously state: The name, address, and telephone number of the creditor to which payment is to be made; a brief identification of the credit transaction; the consumer's right to cure the default; and the amount of payment and date by which payment must be made to cure the default.

Sec. 3. (1) With respect to a consumer credit transaction, after a default consisting only of the consumer's failure to make a required payment, a creditor may neither accelerate maturity of the unpaid balance of the obligation nor take possession of collateral, except voluntarily surrendered collateral, because of such default until twenty days after a notice of the consumer's right to cure is given. The consumer shall have twenty days after the notice is given to cure any default consisting of failure to make the required payment by tendering the amount of all unpaid sums due at the time of the tender, without acceleration, plus any unpaid charges. Cure shall restore the consumer to his or her rights under the agreement as though the default had not occurred.

(2) With respect to defaults on the same obligation after a creditor has once given notice of the consumer's right to cure, the consumer shall have no further right to cure and the creditor has no obligation to proceed against the consumer or the collateral.

Sec. 4. Sections 1 to 3 of this act shall not prohibit a consumer from voluntarily surrendering possession of goods which are collateral and shall not prohibit the creditor from thereafter enforcing any security interest in the goods at any time after default.

Sec. 5. This act shall apply to all consumer credit transactions in this state entered into, extended, or renewed on or after January 1, 1983.''.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

1. On page 4, line 2, after ''purposes'' insert '', except that if such bank owns at least eighty per cent of the voting stock of such agricultural credit corporation or livestock loan company, such limitation on the amount of obligation for such purposes shall not apply''; and strike beginning with ''investment'' in line 3 through ''to'' in line 4.

NOTICE OF COMMITTEE HEARINGS
Appropriations

Working Sessions
Tuesday, February 16, 1982 1:30 p.m.

Wednesday, February 17, 1982	1:30 p.m.
Thursday, February 18, 1982	1:30 p.m.

(Signed) Myron Rumery, Vice Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Fowler asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 714. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2605.)

(Signed) Samuel K. Cullan, Chairperson

Judiciary

LEGISLATIVE BILL 725. Placed on General File.

LEGISLATIVE BILL 781. Placed on General File as amended. Standing Committee amendments to LB 781:

1. On page 2, line 6, strike “or” and insert “~~or~~,”; and in line 7, after “information” insert “, or complaint”.
2. Strike section 3.
3. On page 6, line 18, strike “or” and insert “~~or~~,” and after “indictment” insert “, or complaint”.
4. On page 8, line 14, strike “29-1917,”.
5. In the title, line 2, strike “29-1917,”.
6. Renumber original sections 4 to 6 as sections 3 to 5 respectively.

LEGISLATIVE BILL 805. Placed on General File as amended. Standing committee amendments to LB 805:
Req. #2663

1. Insert the following new sections:

“Sec. 3. That section 81-8,235, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,235. Sections 81-8,209 to 81-8,235 and section 4 of this act may be cited as the State Tort Claims Act.

Sec. 4. In case of death, injury, or property damage to any innocent third party as a result of the negligent action of a law enforcement officer employed by the state during vehicular pursuit, damages shall be paid to such third party by the state. This section shall be considered part of the State Tort Claims Act and the provisions of sections 81-8,209 to 81-8,235 shall apply.”.

2. On page 2, line 11, after “officer” insert “employed by a political subdivision”; in line 13 strike “state or” and show as stricken; and in line 17 strike “section 23-2420” and insert “sections 23-2420 and 81-8,235”.

3. Renumber original section 3 as section 5.

LEGISLATIVE BILL 901. Placed on General File as amended. Standing Committee amendments to LB 901:
Req. #2632

1. Strike section 1 and insert the following new sections:

“Section 1. That section 28-519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-519. (1) ~~A~~ Except as provided in subsection (2) of this section (a) a person commits criminal mischief if he or she:

~~(a)~~ (i) Damages property of another intentionally or recklessly; or

~~(b)~~ (ii) Intentionally or recklessly tampers with property of another so as to endanger person or property; or

~~(c)~~ (iii) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

~~(2)~~ (b) Criminal mischief is a Class IV felony if the actor intentionally causes pecuniary loss in excess of three hundred dollars, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.

~~(3)~~ (c) Criminal mischief is a Class II misdemeanor if the actor intentionally causes pecuniary loss in excess of one hundred dollars.

~~(4)~~ (d) Criminal mishief is a Class III misdemeanor if the actor intentionally or recklessly causes pecuniary loss in an amount of one hundred dollars or less, or if his or her action results in no pecuniary loss.

(2) A person commits criminal mischief if he or she intentionally or recklessly causes damage to:

(a) A church, synagogue, building owned and occupied by a religious educational institution, or other place primarily used as a place of worship where religious services are conducted;

(b) A tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post, or railing, enclosure for the protection of a cemetery or mortuary, or any property in a cemetery or mortuary;

(c) Any public or private educational institution; or

(d) Any community center.

If the damage is three hundred dollars or less, such person shall be guilty of a Class I misdemeanor and if the damage is greater than three hundred dollars, such person shall be quilty of a Class IV felony.

Sec. 2. That original section 28-519, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

LEGISLATIVE BILL 733. Indefinitely postponed.
LEGISLATIVE BILL 679. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 866. Placed on General File as amended.
Standing Committee amendments to LB 866:

1. On page 2, strike beginning with "immediately" in line 5 through "checks" in line 6; in line 15 after "union" insert "or cooperative credit association"; strike beginning with "immediately" in line 16 through "drafts" in line 17; and in line 20 after "union" insert "or cooperative credit association".

2. Insert the following new sections:

"Sec. 3. Sections 1 and 2 of this act shall not apply to (1) temporary use checks or drafts for new accounts or (2) new accounts if the applicant states that he or she has had a similar account at the same or another bank, credit union, or cooperative credit association for at least twelve months immediately preceding his or her application. Any person stating that he or she has had such a previous account for at least twelve months, knowing such fact to be false, shall be guilty of a Class IV misdemeanor.

Sec. 4. No liability shall be imposed on any bank, credit union, cooperative credit association, or printer for an unintentional failure to comply with this act.".

3. Renumber original section 3 as section 5.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

1. In the Marsh amendment on page 307 of the Journal strike amendments 1,3,4, and 5; and on page 1, line 8, strike "a physician," and strike the third comma; and strike beginning with the comma in line 11 through "and" in line 12 and insert "or".

Messrs. Landis, Fenger, Duda, Remmers, and Mrs. Higgins asked unanimous consent to print the following amendment to LB 435 in the Journal. No objections. So ordered.

1. On page 14, line 10, strike ", or in", show as stricken, and insert ". The governing body of any city or village in which a housing authority has been or may be created by such governing body may appoint one of its members to serve as one of the five members of such housing authority for such term as the governing body may determine. In".

ANNOUNCEMENT

Mrs. Labedz announced the Constitutional Revision and Recreation Committee will hold an Executive Session at 8:30 a.m. in Room 2102 Wednesday, February 17.

UNANIMOUS CONSENT - Member Excused

Mr. Fenger asked unanimous consent to be excused Wednesday, February 17, 1982 at 10:30 a.m. No objections. So ordered.

MOTION - Place LB 770 on General File

Messrs. Beutler and Wesely moved that LB 770 be placed on General File, notwithstanding the actions of the Revenue Committee.

Laid over.

VISITORS

Visitors to the Chamber were Representative Bereuter; Corinne J. Jochum; Richard Lange; Senator Hefner's son, Bill Hefner; 30 guests from Burt and Washington Counties; John Harris from Aurora; and

8 fourth grade students and teacher from Douglas Community School.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Chronister, the Legislature adjourned until 9:00 a.m., Wednesday, February 17, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 17, 1982

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Ralph Sturdy, First Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and Duda who were excused; and Mesdames Apking, Higgins, Labedz, Pirsch, Messrs. Carsten, Chambers, Fowler, Goodrich, Haberman, Hoagland, V. Johnson, H. Peterson, Schmit, Vickers, Wagner, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 192
February 11, 1982

Dear Senator DeCamp:

This is in reply to your inquiry concerning enforcement of mandatory license suspension. You state this information is necessary as an aid in drafting other mandatory-type legislation.

You specifically ask what is necessary to insure enforcement of a mandatory suspension law or under what theory a judge might be allowed not to enforce that portion of a law. You refer specifically to LB 76, Eighty-Seventh Legislature, which is now contained in Neb.Rev.Stat. §28-905 (Supp. 1981).

The most obvious area which comes to mind in which a court might avoid entering a mandatory suspension of two years, as required in the foregoing section, is probation. Nothing is said in Neb.Rev.Stat. §28-905 which would eliminate this possibility.

On the other hand, Neb.Rev.Stat. §29-2219 (Reissue 1979) provides in part: "(1) A municipal court may suspend sentence, place a defendant on probation and determine the conditions and period of probation, which period shall not exceed, in the case of any defendant convicted of an offense less than a felony, two years." (Emphasis added.)

Neb.Rev.Stat. §29-2260 (Reissue 1979) which applies to a county court, district court or juvenile court, except a separate juvenile court, provides in part as follows:

> (2) Whenever a court considers sentence for an offender convicted of either a misdemeanor or a felony, the court may withhold sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because:
>
> . . .
>
> (4) When an offender who has been convicted of a crime is not sentenced to imprisonment, the court may sentence him to probation.

There may be other sections also dealing with suspension of sentence and probation.

Another factor which may inhibit enforcement is the fact that when a court enters a sentence favorable to the defendant he, as a practical matter, will not complain; conversely, the county attorney under present procedures, has no effective appeal although we understand there is pending before the Legislature a proposal which would make it possible for the county attorney to appeal unsatisfactory criminal sentences, but we have not studied this proposal to determine its applicability.

Hoping this will be of assistance to you, we are,

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/thl
cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

1. In the committee amendments found on page 614 of the Journal, on page 1, line 24, after "production" insert "or transmission".

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 219, LR 220, and LR 221.

UNANIMOUS CONSENT - Withdraw Motion on LB 431

Mr. Newell asked unanimous consent to withdraw his pending motion to return LB 431 to Select File for his specific amendment found in the Journal on page 666. No objections. So ordered.

Readvanced to Final Reading.

MOTION - Return LB 431 to Select File

Mrs. Labedz moved to return LB 431 to Select File for the following specific amendment:

Add the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The motion to return prevailed with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 431. The Labedz specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Mr. Stoney requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 1 nay, 5 present and not voting, and 18 excused and not voting.

MOTION - Introduce New Bills

Mr. Barrett moved the introduction of a new bill by the Business and Labor Committee (Req. #1659).

The motion prevailed with 31 ayes, 0 nays, 1 present and not voting, and 17 excused and not voting.

Mr. Barrett moved the introduction of a new bill by the Business and Labor Committee (Req. #1660).

The motion prevailed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 967. By Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

LEGISLATIVE BILL 968. By Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; R. Peterson, 21st District; Goll, 16th District.
This bill introduced on behalf of: Committee.

A BILL FOR AN ACT to disallow certain claims against the state; and to declare an emergency.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Wiitala asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LB 259. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 223.

Introduced by Newell, 13th District.

Purpose:

To undertake a study and evaluation of the present laws prohibiting the retail purchase of alcoholic beverages on credit. The study's examination shall include a review of any proposals addressing this issue. The Committee shall provide or propose legislation clarifying the Legislature's intent and policy regarding the retail purchase of alcoholic beverages on credit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Reconsider Action on LB 69

Mrs. Marsh moved to reconsider LB 69 on Final Reading.

Laid over.

MOTION - Place LB 684 on General File

Mr. Von Minden moved to place LB 684 on General File, pursuant to Rule 3, Section 18(b).

Laid over.

MOTION - Reconsider Action on LB 413

Mr. Chambers renewed his pending motion found in the Journal on page 592 to reconsider the Final Reading vote on LB 413.

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 24:

Beutler
Burrows
Chambers
Chronister
DeCamp
Dworak
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Rumery
Schmit
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Barrett
Beyer
Carsten
Clark
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Sieck
Stoney
Von Minden

Excused and not voting, 5:

Cullan
Duda
Fowler
Goodrich
Warner

Absent and not voting, 1:

Higgins

The Chambers motion lost with 24 ayes, 19 nays, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 717. Title read. Considered.

Standing Committee amendments found in the Journal on page 580 for the Twenty-First Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. L. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 717.

MR. CLARK PRESIDING

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 13 ayes, 3 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 13:

Barrett
Beutler
Chambers
Dworak
Goll
Johnson, V.
Koch
Landis
Marsh
Newell
Schmit
Vickers
Wiitala

Voting in the negative, 30:

Apking
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner

Excused and not voting, 4:

Cullan
Duda
Fowler
Higgins

Absent and not voting, 2:

Burrows
Wesely

The Chambers motion lost with 13 ayes, 30 nays, 4 excused and not voting, and 2 absent and not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Speaker Marvel directed LB 547 be moved from Passed Over to General File.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday, February 18, 1982. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

1. Insert a new section as follows:

"Sec. 2. That section 76-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-406. No corporation organized under the laws of this state and no corporation organized under the laws of any other state or country, doing business in this state, which was organized to hold or is holding real estate, except as provided in section 76-404, regarding corporations incorporated under the laws of the United States of America, or under the laws of any state of the United States of America, and sections 76-412 to 76-414, shall elect aliens as members of its board of directors or board of trustees in number sufficient to constitute a majority of such board, nor elect aliens as executive officers or managers nor have a majority of its capital stock owned by aliens.".

2. On page 2, line 22, strike "section 76-404" and insert "sections 76-404 and 76-406"; and in line 23 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 358 in the Journal. No objections. So ordered.

Req. #2662

1. Strike the original section and all amendments thereto and insert the following new sections:

"Section 1. That section 45-101.03, Revised Statutes Supplement, 1980, be amended to read as follows:

45-101.03. Except as provided in section 45-101.04, any rate of interest which may be agreed upon, not exceeding ~~sixteen~~ eighteen per cent per annum on the unpaid principal balance, shall be valid upon any loan or forbearance of money, goods, or things in action and may be taken yearly, for any shorter period, or in advance, if so expressly agreed.

Sec. 2. That section 45-101.04, Revised Statutes Supplement, 1980, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to subsection (4) of section 8-319, sections 8-401 to 8-417, 8-815 to 8-823, 8-825 to

8-829, 21-1760 to 21-1764, 21-1766 to 21-1796, 21-1799 to 21-17,108, 21-17,110 to 21-17,119, 45-114, 45-116 to 45-140, or 45-142 to 45-155;

(2) Loans made to any corporation, partnership, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, or trust;

(4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (12) of section 8-1101, pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;

(7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and ~~one-third~~ one half per cent per month; ~~for any charges which remain unpaid for more than thirty days following rendition of the statement of account;~~

(8) A minimum charge of ten dollars per loan which may be charged by the lender in lieu of all interest charges; or

(9) Loans described in subsection (4) of section 8-319 made by a state or federal savings and loan association at a rate not to exceed nineteen per cent per annum.

Sec. 3. That section 45-207, Revised Statutes Supplement, 1980, be amended to read as follows:

45-207. Notwithstanding the provisions of any other law the seller or assignee under a revolving charge agreement may charge, receive, and collect a time price differential which shall not exceed the ~~following~~ rate~~:~~ ~~One~~ of one and three-quarters per cent per month. ~~on amounts less then five hundred dollars, and one and one half per cent per month on amounts of five hundred dollars or more.~~ The rate shall be computed on the unpaid balance under the agreement from month to month, which need not be a calendar month, or other period as agreed. Such time price differential shall be computed on not more than the unpaid average daily balance including purchases made during ~~at the beginning of~~ the period for which the statement is rendered. No time price differential shall be charged in a period in which the balance at the beginning of the period is paid in full.

Sec. 4. That section 45-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

45-208. Any person who willfully and knowingly violates any provisions of section 45-207 shall be guilty of a Class II misdemeanor. In addition the seller shall forfeit all time price differential paid. ~~and cancel the outstanding indebtedness.~~

Sec. 5. That section 45-338, Revised Statutes Supplement, 1980, be amended to read as follows:

45-338. (1) Notwithstanding the provisions of any other law, the time price differential for any goods or services sold under an installment contract shall not exceed ~~eighteen~~ twenty-one per cent per annum, except that an installment sales contract primarily for agricultural, commercial, investment, or business purposes may be made at the rate agreed upon by the parties; Provided, a minimum time price differential of ten dollars may be charged on any installment contract. Nothing in sections 45-334 to 45-353 shall prohibit a seller or holder of an installment contract from contracting for, computing, and charging a time price differential based upon the application of the rate charged to the unpaid principal balance for the number of days actually elapsed, and the charges so computed shall be used for the purpose of calculating the time price differential, the time price balance, the amount of each installment, and the time sale price. When the installment contract is payable in substantially equal and consecutive monthly installments, the time price differential shall be computed on the basic time price of each contract, as determined under the provisions of section 45-336, from the date of the contract until the due date of the final installment, notwithstanding that the time price balance is required to be paid in installments.

(2) When an installment contract provides for payment other than in substantially equal and consecutive monthly installments, the time price differential may be at a rate which will provide the same return as is permitted on substantially equal monthly payment contracts under subsection (1) of this section, having due regard for the schedule of payments.

(3) Every contract payable in two or more installments shall provide for payment of such

installments at approximately equal periodic intervals of time and be so arranged that no installment is substantially greater in amount than any preceding installment; Provided, that in order to facilitate payment in accordance with the buyer's seasonal or intermittent income a contract may reduce or omit payments over any period or periods in which the buyer's income is reduced or suspended.

Sec. 6. That original section 45-208, Reissue Revised Statutes of Nebraska, 1943, and sections 45-101.03, 45-101.04, 45-207, and 45-338, Revised Statutes Supplement, 1980, are repealed.".

2. In the title, strike lines 2 through 4 and insert:

"FOR AN ACT to amend section 45-208, Reissue Revised Statutes of Nebraska, 1943, and sections 45-101.03, 45-101.04, 45-207, and 45-338, Revised Statutes Supplement, 1980, relating to interest; to change interest rates as prescribed; to change penalty provisions; to provide an exception to an interest rate as prescribed; and to repeal the original sections.".

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 626. Placed on General File.

LEGISLATIVE BILL 595. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

MR. LAMB PRESIDING

GENERAL FILE

LEGISLATIVE BILL 634. Title read. Considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment found in the Journal on page 533 for the Nineteenth Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Fenger asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved to indefinitely postpone LB 634.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cope moved the previous question. The question is, “Shall the debate now close?” The motion lost with 15 ayes, 10 nays, and 24 not voting.

Mr. Beutler requested a record vote on his motion.

Voting in the affirmative, 12:

Beutler
Cope
Haberman
Kahle
Koch
Kremer
Marsh
Remmers
Sieck
Stoney
Vickers
Wagner

Voting in the negative, 19:

Burrows
Chronister
Clark
Fowler
Goodrich
Hefner
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Wiitala

Present and not voting, 13:

Apking
Barrett
Beyer
Carsten
Chambers
Dworak
Goll
Hoagland
Lamb
Peterson, R.
Von Minden
Warner
Wesely

Excused and not voting, 5:

Cullan
DeCamp
Duda
Fenger
Nichol

The Beutler motion lost with 12 ayes, 19 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 866 in the Journal. No objections. So ordered.

1. Strike the standing committee amendments.
2. On page 2, line 5, after “checks” insert a comma; strike beginning with “below” in line 5 through “checks” in line 6 and insert “to the right of the printed name of the account owner or holder,”; in line 7 after

the period insert "The date the account was opened is not required to be shown on temporary use or new account starter checks which do not bear the printed name of the account owner or holder."; in line 16 after "drafts" insert a comma; strike beginning with "below" in line 16 through "drafts" in line 17 and insert "to the right of the printed name of the account owner or holder,"; and in line 18 after the period insert "The date the account was opened is not required to be shown on temporary use or new account starter drafts which do not bear the printed name of the account owner or holder.".

3. Insert the following new section:

"Sec. 3. This act shall impose no liability upon any financial institution or printer for any unintentional failure to comply with the terms and provisions of this act.".

4. Renumber original section 3 as section 4.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 568. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2666.)

(Signed) William E. Nichol, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 790. Placed on General File as amended. Standing Committee amendments to LB 790:

1. On page 2, after line 19 insert the following new subsection:

"(3) The fire chief of a local fire department or his or her designee may waive the open burning ban in his or her district when conditions are acceptable to the chief. Anyone burning in such district when the open burning ban has been waived must notify the fire department of his or her intention to burn.".

LEGISLATIVE BILL 882. Placed on General File as amended. Standing Committee amendments to LB 882:

1. On page 2, line 19, strike "practice of accounting by" and insert "duties prescribed for"; and in line 20, after "Accounts" insert "by the statutes of this state".

2. On page 3, line 1, strike "certificates to" and insert permits to"; in line 12, strike "principals" and show as stricken and insert "principles"; and in line 13, strike "Accounting" and insert "Accountancy".

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 777. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 634. Mr. Beutler offered the following amendment:

to delete the words "or substandard" in line 18, page 2
to delete the words "substandard or" in line 20, page 3.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Beutler moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Apking
Beutler
Beyer
Carsten
Chambers
Clark
Cope
Koch
Kremer
Lamb
Marsh
Marvel
Nichol
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 19:

Burrows
Dworak
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Landis
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Wiitala

Present and not voting, 5:

Barrett Chronister DeCamp Labedz Sieck

Excused and not voting, 4:

Cullan Duda Fenger Goll

The Beutler amendment lost with 21 ayes, 19 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 704. Placed on General File as amended.
Standing Committee amendments to LB 704:

1. On page 2, line 16, after "shall" insert ", pursuant to section 1 of this act,"; and strike beginning with "Such" in line 19 through the period in line 24.

2. Insert the following new section:

"Sec. 3. No person who has been granted a franchise for community antenna television service shall conduct any activity in conjunction with such service which would constitute bingo, as defined in section 9-127.".

LEGISLATIVE BILL 746. Placed on General File as amended.
Standing Committee amendments to LB 746:
Req. #2644

1. On page 2, strike lines 18 through 21 and insert "board, commission, or other governmental unit, any official, or any employee of the State of Nebraska acting or purporting to act by reason of connection with the State of Nebraska, but shall not include (a) any court, (b) any member or employee of the Legislature or the Legislative Council, (c) the Governor or his or her personal staff, (d) any political subdivision or entity thereof, (e) any instrumentality formed pursuant to an interstate compact and answerable to more than one state, or (f) any entity of the federal government;".

2. On page 3, line 11, strike "an" and insert "a preliminary"; strike beginning with "unless" in line 17 through "act" in line 20; and strike beginning with "shall" in line 24 through "Counsel" in line 27 and insert "may conduct a formal investigation. The Public

Counsel shall inform the employee of his or her intent to conduct a formal investigation. Upon the request of the Public Counsel, the director or chief operating officer of the appropriate agency shall cooperate in the investigation of the allegation and any related matters. Upon the conclusion of his or her formal investigation, the Public Counsel may prepare a report of his or her findings.''.

3. On page 4, strike lines 1 through 7; in line 8 strike ''required under'' and insert ''prepared pursuant to''; in line 9 strike ''signed by'' and insert ''transmitted to''; in line 11 after ''include'' insert ''any or all of the following''; in line 20 strike ''and'' and insert ''or''; in line 21 strike ''corrective''; and in line 22 strike ''planned'' and insert ''recommended''.

4. On page 5, line 3, strike ''Every'' and insert ''A copy of every'', and strike ''required'' and insert ''prepared''; in line 4 strike ''submitted to'' and insert ''retained in the files of''; in line 5 after ''and'' insert ''an additional copy shall be submitted to''; strike beginning with ''When'' in line 5 through the period in line 12; and in line 13 strike the second ''the'' and insert ''a preliminary or formal''.

5. On page 6, line 21, strike ''or''; in line 23 after ''System'' insert '', or the corresponding personnel appeals board of the employee's agency, if the employee is employed by an agency that is not subject to the state personnel system or Joint Merit System. If no such corresponding personnel appeals board exists, the Public Counsel shall transmit his or her finding to the director or chief operating officer of the agency''; and in line 27 after ''Board'' insert an underscored comma, strike ''or'', and after ''Council'' insert '', corresponding personnel appeals board, director, or chief operating officer, as the case may be,''.

6. On page 7, line 1, after ''proceedings'' insert ''stay or reverse the personnel action until a hearing can be held on the matter. Such board, council, director, or chief operating officer shall, at the earliest possible date, hold a hearing to determine whether a violation has occurred. The employee may be represented by counsel at such hearing.''; strike beginning with ''take'' in line 1 through ''(3)'' in line 14 and insert ''(2)''; in line 15 insert an underscored comma after ''Board'', and strike ''or''; in line 16 after ''Council'' insert '', corresponding personnel appeals board, director, or chief operating officer, as the case may be,'' after line 17, insert:

(3) An employee or agency aggrieved by the decision rendered pursuant to subsection (2) of this section may appeal such decision to the district court.

An employee prevailing on appeal shall receive reasonable attorney fees incurred during the appeal and any previous hearings held on the matter appealed pursuant to this section.

(4) In any proceeding held pursuant to this section, if an employee establishes that a personnel action was taken against him or her after he or she submitted an allegation of wrongdoing to the Public Counsel, the personnel action shall be presumed to have been taken against such employee because of such submission. This presumption may be rebutted by appropriate evidence.”; in line 18, strike “An” and insert “Notwithstanding any other provision of law, an”; and strike beginning with “and” in line 25 through “act” in line 26.

7. On page 8, line 16, strike “Any” and insert “The Public Counsel may report to the agency any”; in line 18 after “act” insert “and such employee”; and in line 20 strike “Public Counsel and the”.

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 335 in the Journal. No objections. So ordered.

Req. #2667

1. On page 9, line 16, after “mean” insert “(a)”, in line 19 strike “(a)” and insert “~~(a)~~ (i)”; in line 20 strike “(b)” and insert “~~(b)~~ (ii)”; in line 21 strike “(c)” and insert “~~(c)~~ (iii)”; in line 22 strike “(d)” and insert “~~(d)~~ (iv)”; in line 24 strike “(e)” and insert “~~(e)~~ (v)” and after “abused” insert “and (b) knowingly, intentionally, or negligently causing or permitting a disabled person eighteen years of age or older, or a person sixty years of age or older to be: (i) Placed in a situation that endangers his or her life or physical health or, through a course of conduct involving duress or intimidation, causes him or her mental distress; (ii) cruelly confined or cruelly punished; (iii) deprived of necessary food, clothing, or shelter or deprived of any other care necessary to maintain physical health; or (iv) sexually abused”.

2. In the standing committee amendments on page 1, strike beginning with “in” in line 10 through the semicolon in line 13.

3. In the Marsh amendment on page 307 of the Journal, on page 1, line 9, after “information” insert “concerning abuse or neglect described in subdivision (3)

(b) of section 28-710"; in lines 9 and 13, strike "clergyman" and insert "member of the clergy"; and strike beginning with "Nothing" in line 14 through the first period in line 16.

RESOLUTION

LEGISLATIVE RESOLUTION 224.

Introduced by Labedz, 5th District; R. Peterson, 21st District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; DeCamp, 40th District; Dworak, 22nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Johnson, L., 15th District; Johnson, V., 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Landis, 46th District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; Peterson, H., 35th District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, Johnny Carson visited his hometown of Norfolk, Nebraska, in October, 1981, for the reunion of the Norfolk High School Class of 1943 and the filming of "Johnny Goes Home"; and

WHEREAS, Johnny Carson has represented Nebraska and the Midwest admirably with his gentlemanly demeanor, charm, and wit; and

WHEREAS, the citizens of Nebraska have the same affection for Johnny Carson as he has for Nebraskans; and

WHEREAS, Johnny has proven that one can, indeed, go home again.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature hereby proclaims that Johnny Carson, a native son of this state, will always be considered a Nebraskan, and is always welcome in the Cornhusker State.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Beutler's mother, Dorothy, father, Jack, grandmother, Marie, cousin, John Heinrman; former senators, Rudy Kokes, Don Thompson, Arnold Ruhnke; and Senator Kilgarin's father, Bradford Kilgarin.

ADJOURNMENT

At 11:48 a.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Thursday, February 18, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 18, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 18, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. T. Daniel Casey, Pastor of Central Church of the Nazarene, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins, Messrs. V. Johnson, and Koch who were excused; and Messrs. Burrows, Chambers, Fowler, Haberman, Hoagland, R. Peterson, Schmit, Sieck, Warner, Wesely, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 431.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 941. Placed on General File.

LEGISLATIVE BILL 658. Indefinitely postponed.
LEGISLATIVE BILL 804. Indefinitely postponed.
LEGISLATIVE BILL 855. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 193
February 10, 1982

Dear Senator Beutler:

You have requested the opinion of this office regarding Section 3(2) of LB 126, which, as you indicated, would allow photographs to be accepted as prima facie evidence of the identity of allegedly stolen property in a prosecution for theft by shoplifting. Pursuant to the provisions of the bill, the photograph must be accompanied by a written statement containing several enumerated items including a description of the property. The stated purpose of this section of the bill is to allow the owner of shoplifted property the use of such property pending criminal prosecutions.

Specifically, you have inquired regarding ". . . whether it is constitutional to release allegedly stolen property out of police custody before the defense has an opportunity to even inspect it." You further indicated that the scope of your inquiry is based on the assumption that the evidence released is relevant to the defense.

In Brady v. Maryland, 373 U.S. 83 (1973), the Supreme Court held, based on the Due Process Clause of the Fourteenth Amendment, that a state is required upon request to provide the defendant any material evidence favorable to the defendant's position which is in the state's possession. The defendant must show that the suppressed evidence is favorable and the mere possibility that an item of undisclosed information might have helped the defense does not establish materiality in the constitutional sense. United States v. Agurs, 427 U.S. 97 (1976). Constitutional error is committed by nondisclosure only if the evidence creates a reasonable doubt which did not otherwise exist. United States v. Agurs, supra at 112; State v. Richards, 193 Neb. 345, 227 N.W.2d 18 (1975).

Based on the above cited authorities, there is a line of cases which involve alleged due process deprivations based on the state's failure to disclose, upon request, items which have been destroyed or lost. State v. Booth, 98 Wis.2d 20, 295 N.W.2d 194 (1980); State v. Helmer, 278 N. W.2d 808 (S.D. 1979); State v. Brim, 298 N.W.2d 73 (S.D. 1980); United States v. Shafer, 445 F.2d 579 (7th Cir. 1971). The standard of materiality regarding the nondisclosed item which the defendant must meet in order to establish a constitutional deprivation in this context varies depending on the jurisdiction. In State v. Booth, the court indicated that: "The rule applicable to evidence destruction cases is that a defendant need only show the disposed of evidence was clearly material to the issue of guilt or innocence." 295 N.W.2d at 197. Other cases have required a showing that the defendant was in fact prejudiced by the nondisclosure of destroyed evidence. State v. Brim, supra at 79; United States v. Shafer, supra. We are aware of no cases in this jurisdiction which articulate a standard for situations involving destruction or unavailability of evidence.

While the standard of review is less than clear, the above cases indicate that upon some level of showing of inability to prepare or present a defense due to loss or destruction of an item formerly in the state's possession, an accused may be able to establish an abridgment of his constitutional right to due process of law guaranteed by the Fourteenth Amendment. To the extent the provisions of LB 126 allow the return of stolen property to the owner, potentially without prior examination of the item by the defendant and his counsel, there may be an opportunity for due process questions to arise. Obviously, whether a due process issue arises would necessarily depend on the particular facts of each individual case. The bill provides some safeguards to the potential impact of the removal of property such as photographs and descriptive statements. United States v. Shafer, supra. Further, as the photograph procedure is discretionary under LB 126, the prosecutor would be in a position to evaluate whether unavailability and nondisclosure of the allegedly stolen property might be prejudicial to the defendant, hence potentially resulting in either an inability to obtain a conviction or reversal of a conviction. Such prosecutorial discretion may well decrease the likelihood of release of property in those factual situations where the potential for prejudice to the accused may be real.

In our opinion, it is possible to conceive of a factual situation in which application of the provisions of the bill at issue may result in an abridgment of the constitutional guarantee of due process. It is not our opinion, nor do we imply, that the bill may be judicially determined unconstitutional on its face. It is simply our opinion that hypothetically a factual situation may arise where removal of the allegedly stolen property from police custody and nondisclosure of the item to the defendant could result in a due process deprivation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz

Assistant Attorney General

LF:jmf
m9
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 194
February 12, 1982

Dear Senator Vickers:

This letter is in response to your inquiry of February 5, 1982, asking to what extent LB 571 would allow foreign investment in Nebraska oil, gas, and hydrocarbon leaseholds which is not allowed by current Nebraska law.

Our opinion is that LB 571 would allow aliens to comprise a majority of the directors of any corporation having oil, gas, and hydrocarbon leaseholds in Nebraska, which is not allowed under present Nebraska law.

In addition, LB 571 would double, at least, the amount of time that such leasehold interest could be held by a business incorporated under the laws of a foreign nation.

The statutes which are relevant in answering your question are Neb.Rev.Stat. §76-402 (Reissue 1976), §76-404 (Reissue 1976), and §76-406 (Reissue 1976). The statutes are all unambiguous so that their language should be given its plain and ordinary meaning. Little Blue Natural Resources District v. Lower Platte North Natural Resources District, 206 Neb. 535, 294 N.W.2d 598 (1980).

Insofar as it is relevant here, the current §76-402 provides that:

> Aliens and corporations not incorporated under the laws of the State of Nebraska are prohibited from acquiring title to or taking or holding any land, or real estate, or any leasehold interest extending for a period for more than five years . . . except as provided in sections 76-403 to 76-405.

Clearly then, under the general language of §76-402, referring to "any leasehold interest," aliens and foreign corporations would be prohibited from acquiring any oil, gas, or hydrocarbon leasehold interest extending for more than five years, unless a specific exception to that rule was set out in §76-404. However, while §76-404 would exempt corporations incorporated under the laws of the United States or a state from the limitation imposed by §76-402, no such exemption currently exists with reference to businesses incorporated under the laws of foreign nations.

As stated in §76-404:

> Corporations incorporated under the laws of the United States of America, or under the laws of any state of the United States of America, doing business in this state, may acquire, own, hold, or operate leases for oil, gas, or other hydrocarbon substances for a period as long as ten years and as long thereafter as oil, gas, or other hydrocarbon substances shall or can be produced in commercial quantities.

It will be noted that corporations which are incorporated under the laws of a foreign nation are not mentioned in §76-404. Consequently, by reading §§76-402 and 76-404 together, it is apparent that the five year restriction imposed by 76-402 would currently apply to corporations incorporated under the laws of a foreign nation, given the absence of any reference in §76-404 to such corporations.

The time restriction imposed on corporations of foreign nations would, however, be removed by the amendment proposed in LB 571. That amendment would allow "any" foreign corporation or any alien" to "acquire, own, hold, or operate leases for oil, gas, or other hydrocarbon substances, for a period as long as ten years and as long thereafter as oil, gas, or other hydrocarbon substances shall or can be produced in commercial quantities." Currently, under §76-402, such leasehold interests would be limited to a maximum of five years.

In addition, as stated by §76-406:

> No corporation organized under the laws of this state and no corporation organized under the laws of any other state or country, doing business in this state, which was organized to hold or is holding real estate, except as provided in section 76-404 . . . shall elect aliens as members of its board of directors or board of trustees in number sufficient to constitute a majority of such board, nor elect aliens as executive officers or managers nor have a majority of its capital stock owned by aliens.

By reading §76-406 with §76-404, it is apparent that under current Nebraska law only "corporations incorporated under the laws of the United States of America, or under the laws of any state of the United States of America" may "elect aliens as members of its board of directors or board of trustees in number sufficient to constitute a majority of such board, or elect aliens as executive officers or managers nor have a majority of its capital stock owned by aliens."

However, the amendment of LB 571 would allow any corporation (even those corporations incorporated in a foreign nation) holding oil, gas, or hydrocarbon leases to have aliens comprise a majority of the Board of Directors.

The results, then, of the amendment proposed by LB 571 would be to allow corporations of foreign nations to have Nebraska oil, gas, and hydrocarbon leasehold interests for at least ten, rather than a maximum of five, years; and aliens would be allowed to comprise a majority of the directors sitting on the boards of those corporations.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Frank J. Hutfless
Assistant Attorney General

FJH:jmf
f4
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 195
February 16, 1982

Dear Senator Cullan:

You have asked the effect of the addition of Section 9 to LB 421 now pending on Final Reading on the calendar of the Legislature. That section provides: "The Department of Health shall adopt rules and regulations to implement all provisions of this act." We have concluded the effect of that section is minimal as discussed below.

LB 421 would make it a crime for an insurer to fail or neglect to make a report to the Department of Health about any violations of the Uniform Licensing Law of which such insurer had knowledge. It would limit access to such reports insofar as they are privileged communications but would subject them to investigatory and enforcement provisions of the Uniform Licensing Law. No general purpose is recited in the bill and no specific guidelines are given for the Department to follow in making rules and regulations to implement all provisions of the act.

The general rule is that the Legislature may not delegate legislative powers to an administrative agency. However, there is no unconstitutional delegation of legislative authority where the Legislature by statute defines a crime and provides a penalty therefor, but delegates to administrative or executive authority the implementation of the details thereof and clearly designates limitations and standards. State v. Cutright, 193 Neb. 303 (1975).

Thus, any rule made by the Department pursuant to Section 9 of LB 421 if enacted would be limited to clarifying procedures for reporting violations and for getting access to reports once they are filed with the Department. The bill could probably be implemented without such rules if it is otherwise valid.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:jmf
tl
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 196
February 16, 1982

Dear Senator H. Peterson:

You have asked for our opinion of subsections (1), (2) and (3) of section 1 of LB 652 of the Eighty-Seventh Legislature, Second Session (1982). The same is hereinafter set out in full:

> Section 1. The lay governing body or organization of parents of a recognized church or religious denomination or the representatives of such body or organization may file an application for a waiver of certain general school laws, and rules and regulations adopted pursuant to such laws if the church or denomination:
>
> (1) Does not accept any state or federal funds;
>
> (2) Has been established in the state for at least ten years prior to filing; and
>
> (3) Professes principles or tenets that are incompatible with the objectives, goals, and philosophy of education embodied in the laws of this state and the rules and regulations adopted pursuant to such laws.

If a "recognized church or religious denomination" meets the requirements of section 1 above and files an application for waiver with the State Board of Education, such board shall, if requested in the application:

> (1) Waive the provisions of Neb.Rev.Stat. §79-1233 (Reissue 1976) requiring a certificate of permit for persons employed as teachers;
>
> (2) Waive the regulations relating to the instructional program, materials, and equipment requirements for approval status; and
>
> (3) Waive the school from making reports except those necessary to fulfill the provisions of law from which the school has not been exempted.

It is, of course, well settled law that a statute is open to construction only where the language used therein requires interpretation or may be reasonably considered ambiguous. State ex rel. Halloran v. Hawes, 203 Neb. 405, 279 N.W.2d 96 (1979). Moreover, the fact, alone, that a legislative act is open to the criticism that it is uncertain or indefinite in some of its provisions does not ipso facto render it unconstitutional. If, however, the uncertain or indefinite portion of a statute is essential to, or connected with, the statute as a whole, it may, of course, render the entire statute invalid.

Upon applying the above-stated legal principles to section 1 of LB 652, we find that we are unable to discern the meaning to be subscribed to the words "recognized church or religious denomination" as the same are used therein. Simply stated, "recognized" by whom? Moreover, it is essential to determine the meaning of the words "recognized church or religious denomination" in section 1 of LB 652 in order to determine if the entity which files an application for waiver of certain general school laws is entitled to such a waiver. It is therefore our opinion that section 1 of LB 652 is ambiguous.

Even if it were assumed that the words "recognized church or religious denomination" in section 1 of LB 652 are not ambiguous, an assumption we are unable to make, we note that in order to qualify for a waiver of certain general school laws and the rules and regulations adopted pursuant thereto, a "recognized church or religious denomination" must, pursuant to subsection (2) of section 1 of LB 652, have been established in the State of Nebraska for at least ten years prior to filing the application for a waiver. Thus, it would appear that this subsection grants a preference to a "recognized church or religious denomination" that has been established in the state for at least ten years over those which have not been established in the state for that length of time. Thus, arguably, subsection (2) of section 1 of LB 652 is in violation of the establishment clause of the First Amendment of the Constitution of the United States. See, e.g., Buckley v. Valeo, 424 U.S. 1 (1976) and Torcaso v. Watkins, 367 U.S. 488 (1961).

We also note that in order to qualify for a waiver of certain general school laws a "recognized church or religious denomination" must, pursuant to subsection (3) of section 1 of LB 652, profess "principles of tenets that are incompatible with the objectives, goals, and philosophy of education embodied in the laws of this state and the rules and regulations adopted pursuant to such laws." In connection therewith we note that this subsection would render inoperative certain statutes, rules and regulations which pertain to compulsory education, teacher certification and approval of the secular curriculum of the school. We also note that the Nebraska Supreme Court recently ruled that these same statutes, rules and regulations are not in violation of the Constitution of Nebraska or the Constitution of the United States. See, State ex rel. Douglas v. Faith Baptist Church, 207 Neb. 802, 301 N.W.2d 571 (1981).

The ratio decidendi of State ex rel. Douglas v. Faith Baptist Church, supra, was recently before the West Virginia Supreme Court. In State v. Riddle, No. 14910, December 11, 1981, the Riddles relied upon Wisconsin v. Yoder, 406 U.S. 205 (1972) as authority for their position that the free exercise clause of the First Amendment entitled them to completely disregard the West Virginia Compulsory School Attendance Law with impunity. The West Virginia Supreme Court disagreed. It stated:

> While the appellants in the case before us are sincere, dedicated, and competent parents, the principle which they are urging, namely the legitimacy of ad hoc non-compliance with our school attendance laws, leads ineluctably to a hideous result. If we were to accept their reasoning, our holding would imply that parents have the right to keep their children in medieval ignorance, quarter them in Dickensian squalor beyond the reach of the ameliorating influence of the social welfare agencies, and so to separate their children from organized society in an environment of indoctrination and deprivation that the children become mindless automatons incapable of coping with life outside of their own families. We hold that the first and fourteenth amendments to the Constitution of the United States do not contemplate such a result. (Emphasis supplied).

Schools which are currently allowed to operate in the State of Nebraska pursuant to certain general school laws not only teach, but are also responsible for ministering to the health needs of children by providing a reservoir of professional expertise capable of ferreting out health-related problems, including physical and mental handicaps. Furthermore, a child's regular attendance at such schools guarantees a certain minimal protection from outrageous parental abuse or neglect. Those functions would be severely limited, if not destroyed, if LB 652 were to become operative law.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmb/w9
cc: Patrick J. O'Donnell

Clerk of the Legislature

Opinion No. 197
February 17, 1982

Dear Senator Koch:

You have requested a legal opinion with respect to LB 578 which you have introduced in the current Legislative session. LB 578 would allow Nebraska residents over 60 years old to enroll in classes at state supported post-secondary institutions without paying tuition under certain conditions.

The question which you have posed is, "Does the use of the age sixty establish a classification or privilege which could not meet a constitutional test based on equal opportunity and treatment?"

We do not see any legal or constitutional barriers based on age to your legislation. The Nebraska Act Prohibiting Unjust Discrimination in Employment Because of Act, Neb.Rev.Stat. §48-1001 to §48-1009 (Reissue 1978, Cum. Supp. 1980), is not applicable. That statute forbids discrimination in employment based on age; the protected class is composed of individuals between the ages of 40 and 70.

Furthermore, LB 578 would not violate constitutional equal protection requirements. "The standard by which a court reviews a classification established by [economic or social welfare] legislation is whether it has a rational basis and is at least arguably related to a legitimate function of government not prohibited by the Constitution." Grosvenor v. Grosvenor, 206 Neb. 395, 293 N.W.2d 96 (1980). Because age is not a suspect classification for constitutional purposes, LB 578 would fall within the standard set out in Grosvenor.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Dale D. Brodkey
Assistant Attorney General

DDB:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Place LB 773 on General File

Mr. Newell moved LB 773 be placed on General File notwithstanding the action of the Constitutional Revision and Recreation Committee.

Laid over.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1981 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT		FEE
Little Blue		
Dan W. Baird	Attorney	$1,500.00
Crosby, Guenzel, Davis, Kessner & Kuester	Attorneys	$12,582.90

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 967 and 968.

LB	**Committee**
967	Business and Labor
968	Business and Labor

The Legislative Council Executive Board hereby submits the attached Reference Report No. 5, Governor's Appointments, which was approved by the Board on February 18, 1982.

Public Health and Welfare

Henry Barthuly - Commission for the Hearing Impaired
Patricia Kuhr Kloster - Commission for the Hearing Impaired
Vernon Miers - Commission for the Hearing Impaired

Public Works

Reed Gilmore - Oil and Gas Conservation Commission
Guy G. Bush - Oil and Gas Conservation Commission

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 211. Read. Considered.

LR 211 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 634. Read. Considered.

Mr. Beutler offered the following amendment:
Add the words "to assist private enterprises and public enterprises in developing" after the word "bonds" in line 20, page 3 and deleting the words "to develop" in line 20, page 3.

The amendment lost with 17 ayes, 13 nays, 8 present and not voting, and 11 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 1 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Mr. H. Peterson asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the reappointment listed below. The Committee suggests the reappointment be confirmed by the Legislature and suggests a record vote.

Jeffrey L. Orr - Judge, Commission of Industrial Relations

VOTE: For: Senators Apking, Barrett, Goll, R. Peterson, Vickers, Wiitala. Against: None. Absent: Senator Labedz.

(Signed) William E. Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

Req. #2651

1. Insert the following new section:

"Sec. 3. That section 79-1287, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1287. In order to promote the growth and development of education in Nebraska which is essential to the welfare of its people, it is hereby declared to be the policy of the state to promote the improvement of personnel management and relations with certificated employees within the public school districts of the state by providing a uniform basis for recognizing the right of public school certificated employees to join organizations of their own choice in ~~Class III, IV, and V~~ all school districts and be represented by such organizations in their professional and employment relations with the school district.".

2. On page 2, line 5, strike the first "and", after "79-1262" insert an underscored comma, and after the second "and" insert "section 2 of".

3. On page 4, line 13, strike "section 79-1255" and insert "sections 79-1255 and 79-1287".

4. Renumber original sections 3 and 4 as sections 4 and 5 respectively.

Messrs. DeCamp and H. Peterson asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

Req. #2652

1. Strike the original sections and all amendments and insert the following new sections:

"Section 1. The lay governing body or organization of parents of a church or religious denomination may file annually a notice of the right to exercise a waiver of certain general school laws, and rules and regulations adopted pursuant to such laws if the church or denomination:

(1) Does not accept any state or federal funds; and

(2) Declares that the requirements embodied in the law constitute an interference with religious instruction.

Sec. 2. If the lay governing body or organization of parents of a church or religious denomination meeting the requirements of section 1 of this act files a notice of the right to exercise a waiver with the State Board of Education such board shall, if requested in the notice:

(1) Grant a waiver for the ensuing school year of

the provisions of sections 79-1233 and 79-1701 as they relate to the requiring of a certificate or permit for all employed teachers based upon the qualifications of section 79-1247.06, when the lay governing body or organizations of parents certifies and attests that the teachers and administrators retained or employed to teach, counsel, supervise, and administer are qualified to do so in the school;

(2) For the ensuing school year, waive the school from complying with rules and regulations adopted pursuant to section 79-328 relating to the instructional program, materials, and equipment requirements set for approval status; and

(3) For the ensuing school year, waive the school from making reports except those necessary to fulfill the provisions of law from which the school has not been exempted.

Sec. 3. The notice of the right to exercise a waiver shall contain:

(1) The basis for declaring that the requirements constitute an interference with religious instruction;

(2) General information about the school including the name of the sponsoring church or religious denomination, the names and addresses of the lay governing body members or their representative, and the location of the school;

(3) An affidavit from the parents of pupils of compulsory school age who are to be enrolled in the school, including the child's name, date of birth, and the address of residence;

(4) The specific exemptions and waivers desired;

(5) Assurances that the lay governing body comply with the requirements of section 4 of this act; and

(6) The names and qualifications of teachers for whom a waiver is sought.

Sec. 4. Upon filing the notice of the right to exercise a waiver pursuant to sections 1 to 3 of this act the lay governing body or organization of parents shall:

(1) Obtain from the parent or guardian of each pupil enrolled at the school a signed affidavit which acknowledges that:

(a) The school is not approved by the state; and

(b) The child will be in regular attendance and receive instruction in the common areas of learning;

(2) Submit copies of the affidavits obtained pursuant to subdivision (1) of this section to the county superintendant of schools for the county in which the school is located; and

(3) Comply with all applicable laws, rules, and regulations not exempted or waived pursuant to this

section, cooperate with the proper state officials relative to the inspection of facilities for health and safety standards, and report all information necessary for determination of compliance with all applicable laws, rules, and regulations.

Sec. 5. No prosecution of any person shall be initiated or continued during the six-month period immediately following the operative date of this section if the basis for the prosecution could be eliminated by such person utilizing the waiver provisions of sections 1 to 4 of this act.

Sec. 6. Section 5 of this act shall become operative on the effective date of this act. The other sections of this act shall become operative six months after the effective date of this act.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 863. Placed on General File as amended.
Standing Committee amendments to LB 863:
Req. #2641

1. On page 2, line 15, strike ``partially''.

2. On page 4, line 4, strike ``shall'' and insert ``~~shall~~ may''; and in line 6, strike ``seven'' and insert ``five''.

3. Strike section 3 and insert the following new sections:

``Sec. 3. That section 71-2619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2619. (1) The Department of Health may by regulation establish fees to ~~partially~~ defray the costs of providing specimen containers, shipping outfits, and related supplies, and fees to ~~partially~~ defray the costs of certain laboratory examinations as requested by individuals, firms, corporations, or governmental agencies in the state. Such examinations shall include chemical or microbiological examinations of various categories of water samples and other environmental media. ~~Fees established for examination of water to ascertain qualities for domestic, culinary, and associated uses shall not exceed the following amounts: (a) Each inorganic chemical assay, five dollars, (b) each organic pollutant, twenty dollars, and (c) bacteriological examination to indicate sanitary quality as coliform density by membrane filter test, or~~

~~equivalent test, five dollars.~~

(2) Combinations of different tests or groups of tests submitted together, as specified by regulation, may be offered at rates less than those set for individual tests as allowed in this section.

Fees for examinations of water from lakes, streams, impoundments, or similar sources, from wastewaters, or from ground water for industrial or agricultural purposes may be made at fees established therefor, but not to exceed one and one half times the limits for examination of domestic waters as provided in this section.

~~(2)~~ (3) Fees may be established for the examinations of certain categories of biological specimens to ~~partially~~ defray costs of testing. ~~Such categories shall not include any examination for a microbiological organism listed as incitant or causative of any disease subject to report or control measures pursuant to law or departmental regulation. No such fee shall exceed ten dollars.~~ Such fees may be charged for examinations pursuant to law or departmental regulation of:

(a) Any specimen submitted for chemical examination for assessment of health status or functional impairment;

(b) Any specimen submitted for microbiological examination which is not related to direct human contact with the microbiological data; and

(c) A specimen submitted for microbiological examination or procedure by an individual, firm, corporation, or governmental unit other than the Department of Health.

(4) The department shall not charge fees for tests that include microbiological isolation and identification examination for the following:

(a) A contagious disease when the Department of Health is authorized by law or regulations to directly supervise the prevention, control, or surveillance of such contagious disease;

(b) Any emergency when the health of the people of any part of the state is menanced or exposed pursuant to section 71-502; and

(c) When adopting or enforcing special guarantine and sanitary regulations authorized by the department.

~~(3)~~ (5) Fees for provision of certain classes of shipping outfits or specimen containers, when no charge is made for services, may be made as established by regulation to defray no more than the actual cost of materials, labor, and delivery. No such fee shall exceed ~~three~~ five dollars per unit.

~~(4) No such fees shall ever apply to services and examinations provided in order to evaluate or monitor potable water supplies serving the public, except when such examinations exceed such standard frequency and number as established by regulations of the Department of Health.~~

Sec. 4. That section 71-5306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5306. To carry out the provisions and purposes of sections 71-5301 to 71-5313, the director may:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms as are deemed appropriate, with other state, federal, or interstate agencies or with municipalities, educational institutions, local health departments, or other organizations, entities, or individuals;

(2) Require all laboratory analyses to be performed at the Department of Health Laboratory, or at any other laboratory which has entered into an agreement with the Department of Health therefor, and establish and collect fees for making laboratory analyses of water samples pursuant to sections 71-2618 to 71-2621; ~~, except that the provisions of subsection (4) of section 71-2619, shall not apply for purposes of sections 71-5301 to 71-5313;~~

(3) Receive financial and technical assistance from an agency of the federal government or from any other public or private agency;

(4) Enter the premises of a public water supply system at any time for the purpose of conducting monitoring, making inspections, or collecting water samples for analysis;

(5) Delegate those responsibilities and duties as deemed appropriate for the purpose of administering the requirements of sections 71-5301 to 71-5313, including entering into agreements with designated agents which shall perform specifically delegated responsibilities and possess specifically delegated powers; and

(6) Require the owner and operator of a public water supply system to establish and maintain records, make reports, and provide information as the department may reasonably require by regulation to enable it to determine whether such owner or operator has acted or is acting in compliance with the provisions of sections 71-5301 to 71-5313 and rules and regulations adopted pursuant thereto. The department or its designated agent shall have access at all times to such records and reports.".

4. On page 7, line 15, strike “and” and after the first comma insert “and 71-5306,”.

5. Renumber original section 4 as section 5.

(Signed) Samuel K. Cullan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 672. Title read. Considered.

Standing Committee amendment found in the Journal on page 533 for the Nineteenth Day was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. DeCamp offered the following amendment:
Contents of 634CA, and 672CA all be placed into LB 672CA.

Mr. DeCamp asked unanimous consent to withdraw his amendment. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 706. Title read. Considered.

Standing Committee amendment found in the Journal on page 533 for the Nineteenth Day was considered.

SPEAKER MARVEL PRESIDING

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
Amend LB 706 by deleting the words “or substandard” in line 8, page 2.
and by deleting the words “substandard or” in line 23, page 2.
and by deleting the words “substandard or” on line 10, page 2.

The amendment was adopted with 28 ayes, 4 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Haberman moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 21:

Apking
Beyer
Burrows
Carsten
Clark
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Hoagland
Kilgarin
Labedz
Newell
Pirsch
Remmers
Rumery
Von Minden
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beutler
Chronister
Cope
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Landis
Marvel
Nichol
Peterson, R.
Schmit
Sieck
Stoney
Vickers
Wagner
Warner

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Higgins
Johnson, V.
Koch
Marsh
Peterson, H.

Failed to advance to E & R for Review with 21 ayes, 22 nays, 1 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 375 in the Journal. No objections. So ordered.

1. Page 10, line 17, strike the period and insert "for the first 640 acres irrigated by any landowner. The provisions of this subsection and subsection (2) of this section shall apply only to allocations for the first 640 acres irrigated by any landowner".
2. Page 11, line 7, insert the following new lanaguage:

"(3) For acres irrigated by any landowner in excess of 640 acres, the Districts may allocate the permissible withdrawal of groundwater in any manner and by any formula consistent with the correlative rights of all groundwater users within the control area."

Mr. Cullan asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

1. On page 12, line 17, strike "identified in this section" and insert "in excess of $400,000".
2. On page 17, line 12, after "Title XIX" insert "of the Social Security Act. Such projects shall be approved".
3. On page 27, line 3, strike "four" and insert "at least four"; in line 8 strike "shall" and insert "may"; and in line 12 strike "shall" and insert "may".
4. On page 40, line 16, after the period insert "the department may appeal a decision made by the review committee."
5. On page 42, line 12, strike "department" and insert "review committee"; in line 14 after "committee" insert ", the department".
6. On page 3, line 8 after the underscored comma insert "home health agencies" and in line 9 strike "home health agencies or" and show the old matter as striken.
7. On page 4, line 19, strike "except" and insert "including".
8. On page 7, line 20 strike "(6) or (7)" and insert "(3), (7), or (8)".
9. On page 9, line 15, after service insert "other than a home health service"; after line 19 insert the following new subdivision: "(3) offering a new home health service."; in line 20 strike "(3)" and insert "(4)"; and in line 24 strike "(4)" and insert "(5)".
10. On page 10, line 7, strike "(5)" and insert "(6)".
11. On page 11, line 4, strike "(6)" and insert "(7)"; and in line 7 strike "(5)" and insert "(7)".

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

ANNOUNCEMENT

Mr. Chambers designates LB 202 as his priority bill.

Mr. Chronister designates LB 924 as his priority bill.

Speaker Marvel announced LB 202 be set on Special Order Monday, March 1, 1982.

Speaker Marvel directed LB 202 be moved from Passed Over to General File.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 717. Placed on Select File as amended.
E & R amendment to LB 717:

1. In the title, line 4, strike "and"; and in line 5 insert "; and to declare an emergency" after "section".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 766. Placed on General File as amended.
Standing Committee amendments to LB 766:

1. On page 2, line 12, after "city" insert an underscored comma; in line 13, strike the first "or" and after the first comma insert "or in a sanitary and improvement district,"; and in line 15, strike "or" and insert an underscored comma and before "from" insert "or in a sanitary and improvement district, or if the real estate is the residence of the owner of such real estate".

2. On page 3, line 2, strike "or" and insert a comma; in line 3, after "village" insert ", or in a sanitary and improvement district, except that such limitation shall not apply to real estate that is the residence of the owner of such real estate".

LEGISLATIVE BILL 947. Placed on General File as amended.
Standing Committee amendments to LB 947:

1. On page 2, line 1, strike "primary" and insert "general" and strike "May" and insert "November"; in line 6 strike "subsection" and insert "subsections"; and in line 7 after "(2)" insert "and (3)".

2. On page 3, line 1, strike "proceeds derived from"; in line 2, strike "property" and insert "money" and strike "law" and insert "enforcement of the drug laws"; and in line 4 after the underscored period insert the following new subsection:

"(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws for up to one year. Upon the sale of such conveyances the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section."; and in line 11 strike "proceeds" and insert "certain money"; in line 12 strike "from certain forfeited property"; and in line 14 after "purposes" insert "and to allow the use of certain forfeited conveyances by law enforcement agencies".

3. Strike original section 4.

LEGISLATIVE BILL 769. Indefinitely postponed.
LEGISLATIVE BILL 773. Indefinitely postponed.
LEGISLATIVE BILL 842. Indefinitely postponed.

LEGISLATIVE RESOLUTION 198. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

GENERAL FILE

LEGISLATIVE BILL 827. Title read. Considered.

Standing Committee amendment found in the Journal on page 589 for the Twenty-Second Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

MR. KAHLE PRESIDING

Advanced to E & R for Review with 32 ayes, 3 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 669A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 933	Monday, March 1, 1982	1:30 p.m.
LB 632	Tuesday, March 2, 1982	1:30 p.m.
LB 957	Tuesday, March 2, 1982	1:30 p.m.
LB 942	Wednesday, March 3, 1982	1:30 p.m.

Thursday, March 4, 1982 1:30 p.m.
Public Hearing on Proposed Use and Distribution of Funds: Community Services Block Grant; Health Prevention and Services Block Grant; Alcohol, Drug Abuse, and Mental Health Services Block Grant; Primary Care Block Grant; Maternal and Child Health Block

Grant; Social Services Block Grant; Community Development Block Grant; Low-Income Energy Assistance Block Grant; Education Block Grant.

(Signed) Myron Rumery, Vice Chairperson

ANNOUNCEMENT

Speaker Marvel designates LB 834 and LB 685 as his priority bills.

Mr. H. Peterson designates LB 652 as his priority bill.

Speaker Marvel announced LB 834 and LB 685 be set on Special Order Monday, February 22, 1982.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 575. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

Revenue

LEGISLATIVE BILL 743. Placed on General File.

LEGISLATIVE BILL 622. Indefinitely postponed.
LEGISLATIVE BILL 930. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 230. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 students and teacher from Nebraska Technical Community College, Norfolk; 45 eighth grade students, principal, and sponsors from St. Mary's School, David City; Senator Duda's wife, Dot, their son, Claire, and his wife, Gayle; 10 students and teacher from District 74, Saunders County, Weston; 10 seniors and sponsor from Norfolk; and the Abu Bekr Shrine Chanters, a singing group formed in 1922 from Sioux City, Iowa. The Chanters were under the direction of Don Kelsey and accompanied on the piano by Mike Hogan.

ADJOURNMENT

At 11:28 a.m., on a motion by Mr. Goodrich, the Legislature adjourned until 8:30 a.m., Friday, February 19, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 19, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 19, 1982

Pursuant to adjournment, the Legislature met at 8:31 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Daniel Raines, Newman United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Burrows who was excused; and Miss Kilgarin, Mrs. Marsh, Messrs. Chambers, Clark, Goodrich, Haberman, Hoagland, V. Johnson, Landis, Newell, Remmers, Schmit, Sieck, Stoney, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Cope asked unanimous consent to print the following amendment to LB 604 in the Journal. No objections. So ordered.

1. On page 3, lines 5, 7, and 8, strike the new matter.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 826A. By L. Johnson, 15th District.
This bill introduced on behalf of: LB 826.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 826, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Koch asked unanimous consent to have his name added as co-introducer to LB 259. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 224. Read. Considered.

Mr. Duda asked unanimous consent to have his name added as co-introducer to LR 224. No objections. So ordered.

LR 224 was adopted with 31 ayes, 0 nays, and 18 not voting.

MOTION - Approve Reports

Mr. Lamb renewed the report from Kearney State College to withdraw funds found in the Journal on page 588.

The report was approved with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Mr. Lamb renewed the report from Chadron State College to withdraw funds found in the Journal on page 601.

The report was approved with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

Mr. Lamb renewed the report from Chadron State College to withdraw funds for purchase of bonds found in the Journal on page 602.

The report was approved with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

MOTION - Approve Appointments

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 634: Herb Davis - Advisory Committee to Department of Economic Development.

Voting in the affirmative, 25:

Apking
Barrett
Beyer
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Hoagland
Kahle
Kilgarin
Koch
Kremer
Landis
Marvel
Newell
Nichol
Rumery
Sieck
Von Minden
Warner

Voting in the negative, 0.

Present and not voting, 20:

Beutler
Carsten
Cope
Goll
Higgins
Johnson, L.
Johnson, V.
Labedz
Lamb
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Wagner
Wesely
Wiitala

Excused and not voting, 4:

Burrows
Chambers
Clark
Haberman

The appointment was confirmed with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Kahle moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 703: Donald Stenberg - Director of the Department of Administrative Services.

Voting in the affirmative, 28:

Barrett
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Hoagland
Kahle
Kilgarin
Kremer
Landis
Marvel
Newell
Nichol
Remmers
Rumery
Sieck
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 17:

Apking
Beutler
Goll
Higgins
Johnson, L.
Johnson, V.
Koch
Labedz
Lamb
Marsh
Peterson, H.
Peterson, R.
Pirsch
Schmit
Stoney
Vickers
Wiitala

Excused and not voting, 4:

Burrows
Chambers
Clark
Haberman

The appointment was confirmed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 745: Jeffrey L. Orr - Judge, Commission of Industrial Relations.

Voting in the affirmative, 35:

Apking
Barrett
Beyer
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 10:

Beutler
Carsten
Goll
Higgins
Lamb
Marsh
Marvel
Schmit
Stoney
Wiitala

Excused and not voting, 4:

Burrows
Chambers
Clark
Haberman

The appointment was confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 131. With Emergency.

A BILL FOR AN ACT to amend sections 79-1032, 79-1045, 79-1047, 79-1048, 79-1049, 79-1051.03, 79-1051.04, and 79-1056, Reissue Revised Statutes of Nebraska, 1943, sections 79-1041, 79-1052, and 79-1057, Revised Statutes Supplement, 1980, and section 79-1043, Revised Statutes Supplement, 1981, relating to the retirement system for Class V school districts; to revise the system as prescribed; to repeal the original sections, and also sections 79-1053, 79-1056.01 to 79-1056.04, and 79-1059, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Cullan

Excused and not voting, 4:

Burrows
Chambers
Clark
Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to insurance; to provide education requirements for insurance agents, brokers, and consultants; to define terms; and to provide duties for the Director of Insurance.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Carsten
Chronister
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Beyer
Sieck

Present and not voting, 1:

Cullan

Excused and not voting, 5:

Burrows
Chambers
Clark
Haberman
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 274A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 274, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Carsten
Chronister
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch

Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Beyer
Peterson, R.
Sieck

Present and not voting, 1:

Cullan

Excused and not voting, 5:

Burrows
Chambers
Clark
Haberman
Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 287. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend section 79-1258, Reissue Revised Statutes of Nebraska, 1943, sections 23-2315 and 79-1057, Revised Statutes Supplement, 1980, and sections 79-1521, 84-1317, and 85-606, Revised Statutes Supplement, 1981; to change provisions relating to mandatory retirement as prescribed; to authorize employment beyond the mandatory retirement age; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been compled with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Burrows
Chambers
Clark
Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 314.

A BILL FOR AN ACT relating to public assistance; to amend section 71-1342, Reissue Revised Statutes of Nebraska, 1943, and section 68-703, Revised Statutes Supplement, 1981; to change provisions relating to the rules and regulations of the Director of Public Welfare; to exclude certain funeral payments from available resources; to provide for the creation of irrevocable trusts as prescribed; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Kahle

Excused and not voting, 3:

Burrows
Clark
Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 402.

A BILL FOR AN ACT relating to criminal procedure; to provide a procedure whereby the prosecution may appeal the sentence imposed in a criminal case.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
Vickers

Present and not voting, 2:

Cope
Kahle

Excused and not voting, 3:

Burrows
Clark
Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 440.

A BILL FOR AN ACT to amend section 79-516.04, Reissue Revised Statutes of Nebraska, 1943, section 79-803.03, Revised Statutes Supplement, 1980, and sections 79-902.01, 79-1003, and 79-1103, Revised Statutes Supplement, 1981, relating to schools; to permit a student member to serve on school boards in certain districts; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 25:

Beutler
Carsten
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Marvel
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Chronister
Clark
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Burrows
Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

MOTION - Return LB 454 to Select File

Mr. Newell moved to return LB 454 to Select File for his pending amendment, Req. #2634, printed separate from the Journal and referred to on page 637.

Mr. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Carsten moved to return LB 454 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 2, line 12, after the period, insert "For the taxable year commencing January 1, 1982, the individual income tax rate shall be not less than sixteen per cent.".

SPEAKER MARVEL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Carsten requested a roll call vote on his motion to return LB 454.

Voting in the affirmative, 24:

Beutler
Carsten
Chambers
Cope
Cullan
Dworak
Fowler
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Chronister
Clark
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Higgins
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden

Present and not voting, 1:

Johnson, L.

Excused and not voting, 1:

Burrows

The motion to return lost with 24 ayes, 23 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Newell moved to return LB 454 to Select File to reoffer his amendment, Req. #2634, printed separate from the Journal and referred to on page 637.

Mr. DeCamp requested a ruling of the Chair on whether the Newell amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

MR. NICHOL PRESIDING

Mr. Newell asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 454. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to change the adjustment increments for sales and income tax rates; to require the reporting of certain information by the Tax Commissioner; to provide operative dates; to repeal the original sections, and also section 77-386, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 34:

Apking
Barrett
Beyer
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, V.
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmeres
Rumery
Schmit
Stoney
Vickers
Von Minden
Warner
Wiitala

Voting in the negative, 9:

Chambers
Dworak
Fowler
Hoagland
Kahle
Marvel
Newell
Sieck
Wesely

Present and not voting, 5:

Beutler Carsten Johnson, L. Labedz Wagner

Excused and not voting, 1:

Burrows

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Place LB 679 on General File

Messrs. Wesely, Rumery, Nichol, L. Johnson, DeCamp, Kahle, Remmers, Koch, Haberman, Mrs. Higgins, and Miss Kilgarin moved to advance LB 679 to General File, notwithstanding the action of the Judiciary Committee.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 18, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Burk, Michael S. - Lincoln, Nebraska State Student Association
Lewis, Wineland, Lewis:
  Lewis, Frank - Bellevue, Hoppner, Russell
O'Leary, Paul F. - Lincoln, Nebraska State Student Association
Ryan, James E. - Lincoln, Nebraska Optometric Association
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Nebraska Society of Dispensing Opticians
Velotta, Michael J. - Northbrook, IL, Allstate Insurance Company (Withdrawn 12/30/81)
Wilgenbusch, Dr. Nancy - Omaha, College of Saint Mary
Wylie, William M. - Elgin, Nebraska Small Schools, Mrs. Maurice Clark; Prudential Insurance

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 759. Placed on General File.

LEGISLATIVE BILL 645. Indefinitely postponed.
LEGISLATIVE BILL 673. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 623 in the Journal. No objections. So ordered.

1. In the DeCamp amendments on page 610 of the Journal, page 1, line 9, strike "a mortgage on"; in line 10 after "made" insert "(a)"; in line 12 strike "(or)" and insert ", (b)" and strike "banking" and insert "bank"; in line 14 after "States" insert an underscored comma and strike "and" and insert "(c) by any lender approved by the"; and in line 15 strike "approved lender".

2. In the Enrollment and Review amendment, page 1, strike beginning with "line" in line 1 through the second "and" in line 2.

RESOLUTIONS

LEGISLATIVE RESOLUTION 225.

Introduced by Nichol, 48th District.

WHEREAS, Hispanics comprise a small but significant minority within Nebraska's total population; and

WHEREAS, Nebraska's Hispanic population increased by 35% since 1970, compared to a general State population increase of 5.6%; and

WHEREAS, the Hispanic population permanently residing within Scotts Bluff County, Nebraska comprise 12.3% of that counties total population; and

WHEREAS, Scotts Bluff County, Nebraska annually experiences the State's largest influx of migrant and seasonal farmworkers; and

WHEREAS, Hispanics within Scotts Bluff County, Nebraska, as a group, represent a population with unique labor, education, health, language, housing, discrimination, and other problems; and

WHEREAS, the Hispanic population in Scotts Bluff County, Nebraska traditionally has suffered from poor election participation, and the lack of a viable community organization(s).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That hearings be held within Scotts Bluff County, Nebraska to provide Hispanic residents an opportunity to voice their concerns.
2. That consideration be given to a possible legislative solution allowing the Mexican American Commission to provide 'direct services', i.e. assisting both the area service providers, agencies, and organizations and the Hispanic population in alleviating problems and obstacles.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 226.

Introduced by Nichol, 48th District.

WHEREAS, the elderly within our nation have come into increasing focus within the past few years; and

WHEREAS, there are within the general older Nebraskan population, a small but significantly needy older Hispanic population; and

WHEREAS, the planners and providers are taking seriously the challenge of meeting the social service needs of an ever-increasing aging population; and

WHEREAS, the success of human service delivery systems must incorporate the assessment of public programs in terms of the correspondence between client needs and service provision and usage; and

WHEREAS, public programs which fail to reach identifiable groups in need cannot be considered successful; and

WHEREAS, the assessment of program participation is a primary requisite for rational planning and development in the human service field; and

WHEREAS, the older Hispanic population within the State differs significantly from the general older Nebraska in income, education, housing, and language; and

WHEREAS, older Hispanics have a demonstratable need for available human service programs, but are aware of and participate in such programs far less than should be expected; and

WHEREAS, the financial and residential programs for which older Hispanics have the greatest need have been those very programs least utilized.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. A study be made on ways to improve the older Hispanic's knowledge of and participation in applicable service programs.

2. That hearings be held in three locations across the State (Lincoln, North Platte, and Scottsbluff) to allow service providers and older Hispanics an opportunity to voice concerns.

3. That human service providers recognize the need for greater knowledge of and participation in their programs by older Hispanics, and that efforts be implemented to better disseminate information concerning those programs. That information should be available in Spanish as well as English, so that those who have difficulty with English may also receive first-hand information, and that consideration be made for those older Hispanics who neither read nor write.

4. That greater efforts be made on the part of service providers to locate and encourage older Hispanics to make use of those public programs, especially financial, for which they qualify.

5. That a legislative solution, directing service providers to address problems facing Nebraska's older Hispanic population, be considered.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227.

Introduced by Marsh, 29th District.

WHEREAS, the University of Nebraska-Lincoln's College of Business Administration possesses an outstanding academic program; and

WHEREAS, the College of Business Administration has made significant contributions to the university, community, and state by providing necessary statistical information, operating a research bureau, and preparing students for the rigors of the business world; and

WHEREAS, the College of Business Administration, through its standard of academic excellence, provides students with a firm foundation with which to enter the world of business; and

WHEREAS, these contributions are appreciated and should be recognized; and

WHEREAS, March 7 - 10, 1982, has been designated B-Week by the College of Business Administration.

NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the College of Business Administration and its students on their high standard of academic excellence and their dedication to the high ideals of business and business education.
2. That the Legislature urges all citizens of Nebraska to take interest in, support, and encourage B-Week at the College of Business Administration at the University of Nebraska-Lincoln.

Laid over.

EXPLANATIONS OF VOTES

Had I been present, I would have voted no on LB 274.

(Signed) Marge Higgins

Had I been present, I would have voted aye on the following bills: 131, 274, 274A, 287, 314, 402, and nay on 440.

(Signed) Rex Haberman

UNANIMOUS CONSENT - Withdraw Name on LB 827

Mrs. Higgins asked unanimous consent to withdraw her name from LB 827. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Koch asked unanimous consent to have his name added as co-introducer to LB 440. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 198

February 18, 1982

Dear Senator Cullan:

You have asked whether section 5 of amendments to LB 378 is an improper delegation of legislative authority. We have concluded it is not as discussed below.

That section would require the Department of Health to vary the base amount of a capital expenditure which is subject to certificate of need review by reference to the Department of Commerce Composite Construction Cost Index. (The annual composite index represents the ratio between the annual value of new construction put in place in current dollars and the comparable annual total in 1972 dollars.)

This is not a case of incorporating by reference an existing law or regulation which the Legislature can do. State v. Workman, 186 Neb. 467 (1971), and Anderson v. Tiemann, 182 Neb. 393 (1967). It is not a case of incorporating by reference a model code which the Legislature cannot do because a court cannot take judicial notice of it. Lincoln Dairy Company v. Finigan, 170 Neb. 777 (1960). It is not a case where the department may decide itself whether to apply the index, thus leaving uncertain what the law is as was the case in Lincoln Dairy Company, above.

This is a case where the Legislature is making a law to become operative on the ascertainment of a fact upon which the law intends to make its action depend. It can delegate to an administrative agency the power to ascertain such a fact. Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582 (1940).

The index is published periodically by the Department of Commerce in "Survey of Current Business." Thus a court can take judicial notice of it because it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. See, Neb.Rev.Stat. §27-201(2) (b) (Reissue 1979), and Grubaugh v. State ex rel. State Real Estate Commission, 202 Neb. 75 (1979).

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 199
February 18, 1982

Dear Senator DeCamp:

You have referred to us LB 717. LB 717 proposes to increase the law enforcement fund fee taxed as costs in each criminal proceeding from one dollar to three dollars. You ask whether or not such a proposal is unconstitutional.

Similar questions have arisen in the past. We enclose a copy of Opinion No. 21, Opinions of the Attorney General from 1981, which addresses in part the questions which you raise in your current opinion request. We stand by the conclusions reached in that opinion. As an additional matter, we might add that we cannot clearly say that an increase in the fee for the purpose set forth from one to three dollars is clearly unconstitutional. It is our opinion that such an increase at this time can be defended.

While there is obviously some limit upon the amount and size of charges assessed in the manner provided for under Neb.Rev.Stat. §81-1429 as amended, we do not believe that line has been crossed at the current time nor does the proposed amendment cross that line.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO/cmb/th1
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARING
Appropriations

Agency 72 - Indian Commission
Friday, February 26, 1982 1:30 p.m.

(Signed) Jerome Warner, Chairperson

MOTION - Return LB 525 to Select File

Mr. Chambers moved to return LB 525 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Sieck requested to have LB 525 passed over.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 589. With Emergency.

A BILL FOR AN ACT to amend sections 67-237, 67-243, 67-251, 67-253, and 67-254, Revised Statutes Supplement, 1981, relating to limited partnerships; to provide rights for particular limited partnerships; to change record-keeping requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Haberman
Kahle

Excused and not voting, 1:

Burrows

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORT

Banking, Commerce and Insurance

The Banking, Commerce and Insurance Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Rosemary Hannam - Advisory Committee to Dept. of Economic Development

Voting aye: Senators Clark, Duda, Haberman, Labedz, Landis, Remmers, Schmit, and DeCamp. Voting nay: none. Absent and not voting: none.

(Signed) John W. DeCamp, Chairperson

EXPLANATION OF VOTE

It was my intention to vote "aye" on the final passage of LB 454E.

(Signed) Richard D. Marvel

Had I been present I would have voted for LB 454 on final passage.

(Signed) Calvin Carsten

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 757. Placed on General File.

LEGISLATIVE BILL 693. Placed on General File as amended. Standing Committee amendments to LB 693:

1. On page 5, line 21, strike "fifteen" and insert "sixty".

2. On page 6, line 3, after "one" insert "half"; in line 4 strike the underscored period; and in lines 4 and 5 reinstate the stricken matter.

3. Insert the following new section:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 753. Placed on General File as amended. Standing Committee amendment to LB 753:

1. On page 2, in lines 10, 12, and 13 strike "eighteen" and insert "sixteen"; and in line 16 strike "thirteen" and insert "eleven".

LEGISLATIVE BILL 760. Placed on General File as amended. Standing Committee amendment to LB 760:

1. On page 2, line 13, strike the new matter and reinstate the stricken matter; in line 14 strike "thirty-seven and one half", show the old matter as stricken, and insert "forty"; in line 15 reinstate "all taxable income in excess of" and after "of" insert "fifty"; and in lines 16 through 19 strike the new matter and rein-

state the stricken matter.

LEGISLATIVE BILL 614. Indefinitely postponed.
LEGISLATIVE BILL 741. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

Urban Affairs

LEGISLATIVE BILL 821. Indefinitely postponed.
LEGISLATIVE BILL 899. Indefinitely postponed.
LEGISLATIVE BILL 908. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.

(Signed) David Landis, Chairperson

MOTION - Return LB 598 to Select File

Mr. Koch moved to return LB 598 to Select File for the following specific amendment:

Strike the enacting clause.

The motion to return prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 598. The Koch specific amendment found in this day's Journal was considered.

Mr. Koch requested a record vote on his amendment.

Voting in the affirmative, 26:

Apking
Barrett
Beutler
Beyer
Carsten
Cope
Cullan
Duda
Fenger
Goll
Haberman
Hoagland
Kahle
Kilgarin
Koch
Kremer
Lamb
Marsh
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 15:

Chambers
Chronister
Clark
Dworak
Fowler
Goodrich
Johnson, L.
Landis
Marvel
Newell
Nichol
Peterson, H.
Schmit
Sieck
Von Minden

Present and not voting, 7:

DeCamp
Hefner
Higgins
Johnson, V.
Labedz
Wagner
Wesely

Excused and not voting, 1:

Burrows

The Koch amendment was adopted with 26 ayes, 15 nays, 7 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 69 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike the original sections and insert the following new section:

“Section 1. Any person furnishing child care who is subject to licensure under section 71-1902, when transporting, in a motor vehicle, any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that a seat safety belt may be used for any child over age one. Any person violating this section shall be guilty of an infraction as defined in section 39-602 and shall have his or her license to furnish child care revoked or suspended by the Department of Public Welfare. For purposes of this section approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Safety Administration as of the effective date of this act.”.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 603. Placed on General File as amended.
Standing Committee amendments to LB 603:
Req. #2680

1. Insert the following new sections:

“Sec. 2. That section 24-301.01 Revised Statutes Supplement, 1981, be amended to read as follows:

24-301.01. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the district court and each judge of a separate juvenile court shall be paid a salary of thirty-nine thousand five hundred dollars per annum. On January 8, 1981, the salary shall be increased to an amount equal of six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-nine thousand five hundred dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to ~~ninety-two and one-half~~ eighty-five per cent of the salary set for the Chief Justice and Judges of the Supreme Court. Such salary shall be payable in equal installments.

Sec. 3. That section 24-513, Revised Statutes Supplement, 1981, be amended to read as follows:

24-513. As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of twenty-eight thousand five hundred dollars per year, except that each county judge in a county judge district having a population of one hundred thousand or more according to the latest federal census shall receive an annual salary of thirty-four thousand four hundred fifty dollars per year. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-two thousand dollars by six per cent, except that for each county judge in a county judge district having a population of one hundred thousand or more base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to ~~eighty-five~~ seventy-seven and one half per cent of the salary set for the Chief Justice and Judges of the Supreme Court. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as provided in sections 84-306.01 to 84-306.05 for state employees. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. When the county clerk serves as clerk of the county court, he or she shall receive one thousand dollars annually for such duties, in addition to the salary established pursuant to law for the county clerk. When the county clerk also serves as an associate county judge, he or she shall receive a minimum additional salary of one thousand dollars annually for such duties. The minimum salary for an associate county judge shall be twenty-four hundred dollars annually, but this minimum shall not apply to associate county judges appointed to serve on a pro tempore basis. The maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he or she will actually be engaged in his or her duties. Salaries of associate county judges must be approved by the Supreme Court.

Sec. 4. That section 26-106, Revised Statutes Supplment, 1981, be amended to read as follows:

26-106. As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the municipal court in a city of the metropolitan or primary class shall be paid a salary of thirty-five thousand seven hundred dollars per annum, except as provided in section 26-103.01. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-five thousand seven hundred dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to ~~eighty-five~~ seventy-seven and one half per cent of the salary set for the Chief Justice and Judges of the Supreme Court. In cities of the metropolitan or primary class the clerk of the court shall receive such salary as may be fixed by the city council. The employees and assistants of the clerk of the municipal court in a city of the metropolitan or primary class shall receive such salary as may be fixed by the city commission or council. All salaries shall be paid out of the general fund of such cities.

Sec. 5. That section 48-159, Revised Statutes Supplement, 1981, be amended to read as follows:

48-159. (1) As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the Nebraska Workmen's Compensation Court shall receive an annual salary of thirty-seven thousand fifty dollars, payable in the same manner as the salaries of other state officers are paid. On January 1, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six per cent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to ~~eighty-five~~ seventy-seven and one half per cent of the salary set for the Chief Justice and Judges of the Supreme Court. The clerk and all other assistants and employees of the court shall receive such salaries as the court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. Such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source. (2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the court, the clerk, and other assistants and employees of the court shall be entitled, while traveling on the business of the court, to be reimbursed by the state for their necessary traveling expenses, consisting of transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid as provided in sections 84-306.01 to 84-306.05 for state employees.”.

2. On page 2, line 12, strike the new matter and insert “fifty-five thousand”; and in line 24 strike “is” and insert “and sections 24-301.01, 24-513, 26-106, and 48-159, Revised Statutes Supplement, 1981, are”.

3. Renumber original sections 2 and 3 as sections 6 and 7 respectively.

(Signed) William E. Nichol, Chairperson

Revenue

LEGISLATIVE BILL 656. Placed on General File as amended.
Standing Committee amendments to LB 656:
Req. #2645

1. Strike original sections 4 and 5 and insert the following new sections:

“Section 1. That section 77-202.03, Revised Statutes Supplement, 1981, be amended to read as follows:

77-202.03. (1) When real or tangible personal property except motor vehicles has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempt for a period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property except motor vehicles so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property except motor vehicles has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provision of section 77-202.01 to 77-202.07. ~~,except~~

~~that in the year 1976 such new application shall be filed on or before April 1, and the county assessor's recommendation to the county board of equalization shall be made on or before April 15.~~ If any person, corporation, or organization shall seek a new tax exemption for any real or tangible personal property except motor vehicles in any ~~intervening~~ year, he, she, or it shall apply on or before September 15 of ~~any such intervening year~~ the year of application as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the ~~intervening year~~ new exemption the exempt use shall be determined as of the date of levy in the year, and the exemption shall continue for the same period and under the same conditions ~~as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or~~ as if it had been granted on an application which had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted. ~~, if such application is filed on or after January 1, 1968; Provided, that the~~ The county assessor and the county board may cause ~~such~~ any exemption to be reviewed in any year to determine whether the exemption should be continued and may do so even if the use of the property has not changed from when a previous exemption may have been granted, which review shall proceed as on an application under section 77-202.02 and in any year after a hearing on the matter, the county board upon recommendation by the county assessor shall have the authority to place any property on the tax rolls retroactive to January 1 of that year if, on the levy date of that year, such property no longer qualifies for an exemption. Such hearing shall proceed as on an application under section 77-202.02.

(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted. A copy of the list shall be forwarded to the Department of Revenue.

Sec. 5. The owner of a homestead which has been granted an exemption provided in sections 77-3507 to 77-3509, who transfers the ownership of such homestead and becomes the owner of another homestead within the county prior to September 15 during the year for which the exemption was granted, may file an application with the county assessor on or before September 15 of such year, for a transfer of the exemption to the new homestead. The county assessor shall examine each application and determine whether or not the new homestead, except for the January 1 occupancy requirement, is a homestead as defined in section 77-3502. If the application is approved by the county assessor, he or she shall make a deduction upon the assessment rolls using the same criteria as previously applied to the original homestead. The county assessor may allow the application for transfer to also be considered an application for a homestead exemption for the subsequent year.

Sec. 6. If the owner of any homestead granted an exemption under sections 77-3507 to 77-3509 transfers the ownership of such homestead on or before September 15 of any year, and makes the application for transfer of the homestead exemption and such application is approved, then the exemption shall be disallowed for such year as applied to the original homestead if the exemption was granted based on the status of such owner.”.

2. On page 3, strike beginning with “in” in line 14 through the comma in line 15; in line 17 strike “shall” and insert “may”; in line 21, strike “4 and 5” and insert “5 and 6”; in line 25, strike “4” and insert “5”; and in line 26, strike “5” and insert “6”.

3. On page 5, line 15, after “1980,” insert “and section 77-202.03, Revised Statutes Supplement, 1981,”.

4. Renumber original sections 1 to 3 and 6 as sections 2 to 4 and 7, respectively.

(Signed) Calvin F. Carsten, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LB's 131, 274, 274A, 287, 314, 402, 440, 454, and 589.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 646.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1981, relating to building and loan associations; to provide the same advantages as federal savings and loan associations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Warner

Present and not voting, 1:

Kremer

Excused and not voting, 1:

Burrows

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 649.

A BILL FOR AN ACT to repeal rules providing specific criteria for the functional classification of scenic-recreational roads.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 1:

Warner

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 1:

Burrows

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

Mr. Cullan announced an executive session of Public Health and Welfare, Monday, February 22, 1982 at 9:00 a.m. in room 1019.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 904. Indefinitely postponed.

(Signed) David Landis, Chairperson

ANNOUNCEMENT

The following have been designated as priority bills:

LB 818 - Mr. Sieck
LB 626 - Banking, Commerce and Insurance
LB 790 - Mr. Duda
LB 458 - Nebraska Retirement Systems

LB 609 - Nebraska Retirement Systems
LB 714 - Public Health and Welfare
LB 602 - Public Health and Welfare
LB 577 - Mr. Koch
LB 895 - Education
LB 896 - Education
LB 807 - Urban Affairs
LB 868 - Urban Affairs
LB 603 - Mr. Cullan
LB 611 - Mr. Kahle
LB 629 - Mr. Haberman
LB 799 - Banking, Commerce and Insurance
LB 604 - Mr. Cope
LB 877 - Mr. Rumery
LB 616 - Mr. Fenger
LB 591 - Mr. Landis
LB 954 - Mr. Lamb
LB 875 - Mr. Remmers
LB 726 - Mr. Vickers
LB 765 - Business and Labor
LB 801 - Business and Labor
LB 688 - Mr. Fowler
LB 582 - Miss Kilgarin
LB 766 - Constitutional Revision and Recreation
LB 947 - Constitutional Revision and Recreation
LB 824 - Mrs. Labedz
LB 408 - Mr. Beyer
LB 903 - Revenue
LB 816 - Revenue
LB 547 - Mr. R. Peterson
LB 948 - Mrs. Pirsch
LB 709 - Mr. Beutler
LB 936 - Mrs. Apking
LB 675 - Mr. Hefner
LB 686 - Miscellaneous Subjects
LB 687 - Miscellaneous Subjects
LB 870 - Mr. Stoney
LB 852 - Public Works
LB 850 - Public Works
LB 849 - Mr. Kremer
LB 759 - Mr. Warner
LB 480 - Mr. Hoagland
LB 928 - Appropriations
LB 933 - Appropriations
LB 520 - Mr. V. Johnson

LB 792 - Administrative Rules and Regulations Review
LB 859 - Mrs. Marsh
LB 684 - Mr. Von Minden
LB 964 - Mr. Schmit
LB 953 - Agriculture and Environment
LB 893 - Agriculture and Environment
LB 751 - Mr. Goodrich
LB 941 - Mr. Carsten
LB 731 - Mr. DeCamp
LB 882 - Government, Military and Veterans Affairs
LB 854 - Government, Military and Veterans Affairs
LB 568 - Mr. Nichol
LB 787 - Judiciary
LB 805 - Judiciary
LB 955 - Mr. Wagner
LB 738 - Mr. Wesely
LB 817 - Mr. Newell
LB 619 - Mr. L. Johnson

Speaker Marvel announced LB 626 be set on Special Order Tuesday, March 2, 1982.

VISITORS

Visitors to the Chamber were Senator Chronister's daughter and son-in-law, Mike and Janet Casuscelli; Mr. Dale Kugler from Lexington; 30 seventh and eighth grade students and teacher from Sacred Heart School, Norfolk; 4 third and fourth grade students and sponsor from Cordova; Senator Wagner's son, Kevin and friends Randy Psota, Craig Vancura, and Brad Spilinek; Levi and Pearl Wentz from Scottsbluff; and Mr. Steve Biedeck from Ralston and a student from UNL.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Beyer, the Legislature adjourned until 9:30 a.m., Monday, February 22, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 22, 1982

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 22, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 22, 1982

Pursuant to adjournment, the Legislature met at 9:35 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused; and Messrs. V. Johnson, Koch, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 634. Placed on Select File as amended.
E & R amendment to LB 634:

1. On page 3, lines 20 and 21, strike "substandard or blighted" and insert "blighted or substandard".

LEGISLATIVE BILL 672. Placed on Select File as amended.
E & R amendments to LB 672:

1. In S. C. amendment 1, line 6, strike "blighted or substandard" and insert "substandard or blighted".
2. On page 3, line 11, strike "tax" and insert "assessed".

LEGISLATIVE BILL 827. Placed on Select File.
LEGISLATIVE BILL 669A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1982, at 2:50 p.m., were the following bills: 131, 274, 274A, 287, 314, 402, 440, 454, and 589.

(Signed) Janet Loder, Enrolling Clerk

MESSAGES FROM THE GOVERNOR

February 19, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 239 was received in my office on February 16, 1982.

This bill was signed by me on February 17, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

February 19, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 192, 198, 231, 263, 370, 448, 450, 465, 511, and 592 were received in my office on February 16, 1982.

These bills were signed by me on February 19, 1982 and will be delivered to the Secretary of State on Monday, February 22.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

February 19, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131, 274, 274A, 287, 314, 402, 454, and 589 were received in my office on February 19, 1982.

These bills were signed by me on February 19, 1982 and will be delivered to the Secretary of State Monday, February 22.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2679.)

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LB 646, LB 649, LR 211, and LR 224.

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Hefner asked unanimous consent to expedite LB 685. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused Wednesday, February 24, and Thursday, February 25, 1982. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 834. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Standing Committee amendment found in the Journal on page 1355 for the Fifty-Ninth Day, First Session, lost with 3 ayes, 21 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, Req. #2363, found in the Journal on page 1693, First Session. No objections. So ordered.

Mr. Schmit renewed his pending amendment, Req. #2679, found in this day's Journal.

Mr. Lamb asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Cullan requested a record vote on the Schmit amendment.

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 7:

Chambers
Dworak
Fowler
Higgins
Hoagland
Labedz
Stoney

Excused and not voting, 3:

Kremer
Lamb
Sieck

The Schmit amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Stoney requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Apking
Barrett
Beyer
Burrows
Carsten
Clark
Cope
Cullan
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Warner
Wiitala

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Chambers
Chronister
DeCamp
Fowler
Hoagland
Kahle
Rumery
Vickers
Wagner
Wesely

Excused and not voting, 3:

Kremer
Lamb
Sieck

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 383. Title read. Considered.

Standing Committee amendments, Req. #2437, found in the Journal on page 2090 for the Eighty-Second Day, First Session, were considered.

Mr. Beutler offered the following amendment to the Standing Committee amendments:

1. In the committee amendments on page 1, strike lines 4 through 24.

2. In the committee amendments on page 2, line 1, strike "Sec. 4." and insert " 'Sec. 2."; in line 8 strike "5" and insert "3"; strike beginning with "subdivision" in line 8 through line 9; and in line 10 strike ", and" and insert " and original" strike lines 14 through 24.

3. Renumber original section 3 as section 1.

The amendment was adopted with 19 ayes, 0 nays, 27 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 15, line 19, strike "motor" and show as stricken.

MR. CLARK PRESIDING

The Warner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 590. Title read. Considered.

Miss Kilgarin renewed her pending amendment found in the Journal on page 652.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

MR. NICHOL PRESIDING

Advanced to E & R for Review with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 590A. Title read. Considered.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 408. Placed on General File as amended. Standing Committee amendments to LB 408:
Req. #2695

1. Strike the original sections and insert the following:

"Section 1. That section 39-6,181, Revised Statutes Supplement, 1981, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum gross weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested to storage, market, or stockpile in the field, or from storage or stockpile to market or factory when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year; Provided, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination; and provided further, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

The Department of Roads at its discretion may establish testing programs under a special permit procedure to utilize highways under its jurisdiction to operate or move a vehicle or a combination of vehicles or objects that exceeds the maximum specified by law when it is determined by the department that such testing could provide results that might inure to the benefit of the people of Nebraska. If such testing is authorized, the department shall establish such procedures governing the granting of such a permit, the specifics determining the test, and any other criteria deemed essential by the department to assure that all safety considerations have been duly considered and that adequate conditions have been established to assure that permit operations would not accelerate any wear or tear on designated highways. The department shall assess fees that will recover all costs of administering and conducting any tests authorized during the time that testing is permissible. Because of the impossibility of foreseeing all possible changes in conditions that will occur, it is the intent of the Legislature that the Department of Roads have the widest possible latitude in establishing programs consistent with the stated objectives of this paragraph.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the

number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1) (c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may promulgate rules and regulations with respect to the issuance of permits

provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; Provided, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.

Sec. 2. That original section 39-6,181, Revised Statutes Supplement, 1981, is repealed.".

2. In the title, line 3, strike "1980" and insert "1981".

LEGISLATIVE BILL 694. Placed on General File as amended.
Standing Committee amendments to LB 694:
Req. #2694

1. Strike page 5, lines 22 to 27; strike page 6; strike page 7; and on page 8, strike lines 1 to 7, and insert the following: "with the following exceptions for vehicles operated on highways other than those of the National System of Interstate and Defense Highways:

(1) Farm equipment including implements of husbandry, combines, and vehicles used for harvesting, or being moved, hauled, delivered, picked up, or driven by an equipment dealer, or being operated or driven in the normal course of farming. Agricultural land treatment equipment shall be no more than thirteen feet in width and shall be moved, operated, or transported only on roads other than dustless-surfaced state highways and for necessary access to points along such highways. Combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state, shall not exceed an overall width of fifteen feet, except that this restriction shall not apply to combines engaged in the normal course of farming or moved, hauled, or driven by an equipment dealer. Any equipment operated under this subdivision shall be operated only during daylight hours, except that equipment being used for planting or harvesting crops or self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops may be operated at night in the normal course of farming operations and shall comply with clearance light requirements of section 39-6,127. Such equipment operated at night, which

exceeds thirteen feet in width, must be accompanied by a well-lighted pilot vehicle or flag person not more than three hundred feet in advance to give warning of the approach of overwidth equipment. If traffic backs up behind any vehicle operated under this subdivision, the driver shall remove it from the roadway at the earliest possible opportunity to permit traffic to pass;

(2) Vehicles hauling baled livestock forage not over twelve feet in width, including any load thereon, operated during daylight hours. If traffic backs up behind such vehicle hauling baled livestock forage, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass;

(3) Vehicles with a load of pulpwood not over one hundred inches wide in movement during daylight hours when the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place. Such vehicles shall be operated so that no part of the vehicle extends over lines delineating highway lanes into another lane except when necessary to avoid a collision with objects near the edge of the road. If traffic backs up behind such vehicle hauling pulpwood, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass;

(4) Highway maintenance or other public construction equipment. Such equipment shall be moved, operated, or transported only on roads other than dustless-surfaced state highways and for necessary access to points along such highways and shall be no more than thirteen feet in width. Such vehicles shall be operated so that no part of the vehicle extends over lines delineating highway lanes into another lane except when necessary to avoid a collision with objects near the edge of the road. If traffic backs up behind such highway maintenance or other public construction equipment, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass;

(5) Mobile homes and prefabricated and portable livestock buildings not exceeding sixteen feet in width with warning flags not less than sixteen inches square displayed on all four corners, moved during daylight hours on days other than Saturday, Sunday, and holidays. No mobile home or prefabricated or portable livestock building shall be moved during rain, snow, sleet, fog, or winds in excess of twenty-five miles per hour. Such vehicles shall be operated so that no part of the vehicle extends over lines delineating highway lanes into another

lane except when passing or when necessary to avoid a collision with objects near the edge of the road. If traffic backs up behind such mobile home, or prefabricated or portable livestock building, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass;

(6) Rubber-tired cranes with a fixed loan moving during daylight hours on days other than Saturday, Sunday, and holidays on roads within the corporate limits of a city. To transport such rubber-tired cranes, the city in which the crane is intended to be transported shall have authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads. Such rubber-tired cranes shall be escorted by another vehicle or vehicles assigned by the city and shall be operated so that no part of such vehicle extends over lines delineating highway lanes into another lane except when passing or when necessary to avoid a collision with objects near the edge of the road. If traffic backs up behind such rubber-tired crane, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass; and

(7) Vehicles used in the assembly, disassembly, transportation, and reassembly of oil drilling equipment, whether such vehicle is loaded or empty, not exceeding ten feet in width moved during daylight hours. Such vehicle shall be operated so that no part of the vehicle extends over lines delineating highway lanes into another lane except when passing or when necessary to avoid a collision with objects near the edge of the road. If traffic backs up behind such vehicle, the driver shall remove it from the roadway at the earliest opportunity to permit traffic to pass.

Sec. 2. Notwithstanding the provisions of section 39-6,177, intercity buses may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation. Buses operated by a city or village and engaged in the transportation of passengers may be one hundred two inches in width plus an additional width for safety devices. The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways for the operation of intercity buses upon the following conditions: (1) Highways so designated shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that two-lane highways, each lane being at leat ten feet in width, may be designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; and (2) no highways shall be so designated by the Director-State Engineer under the provisions of subdivision (1) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.''.

LEGISLATIVE BILL 763. Placed on General File as amended. Standing Committee amendments to LB 763:

1. On page 2, line 9, after the second comma insert ''or'' and strike the underscored comma; in line 11, strike ''other'' and insert ''action of a''; and strike beginning with ''Such'' in line 14 through ''(b)'' in line 19, show the old matter as stricken, and insert:

''(b) It shall be unlawful for any person to drive any vehicle upon a highway if such vehicle is equipped with one-way glass or with any adhesive, glaze, or other application in, or attached to, the front windshield, side wings, or side or rear windows which prohibits or substantially impairs the ability to see into such vehicle from the outside. Nothing in this subsection shall be deemed to prohibit factory-installed tinted or smoked glass or the equivalent replacement thereof.

(c)''.

(Signed) Chris Beutler, Vice Chairperson

Revenue

LEGISLATIVE BILL 740. Placed on General File as amended. Standing Committee amendments to LB 740:

1. On page 2, line 2, after ''mean'' insert ''a veteran or other person who is''.

2. On page 6, line 19, after the period insert ''If such claimant should die on or after January 1 and prior to April 1 without filing an application, the surviving spouse of the deceased person may file the application on behalf of the deceased person for that year.''.

3. Insert the following new section:

''Sec. 22. This act shall become operative on January 1, 1983.''.

4. Renumber original section 22 as section 23.

(Signed) Calvin F. Carsten, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 1982, at 11:15 a.m., were the following bills: 646 and 649.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 685. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 228.

Introduced by Labedz, 5th District; Wiitala, 31st District.

WHEREAS, Safeway Stores, Inc., has indicated that it plans to close forty-two (42) of its stores in eastern and central Nebraska; and

WHEREAS, approximately 1,600 employees of Safeway Stores, Inc., who are employed in the State of Nebraska are directly affected by said closings; and

WHEREAS, unemployment within the State of Nebraska reached record levels in January, 1982; and

WHEREAS, a number of those employees affected will not be able to transfer to other jobs with Safeway Stores, Inc., and will undoubtedly have a difficult time in finding new employment in these trying economic times; and

WHEREAS, the employees of Safeway Stores, Inc., and their families will be faced with substantial economic hardships; and

WHEREAS, approximately $25,000,000 was paid in total wages to those employees in 1981; and

WHEREAS, taking this money out of the economy of the state will have a deleterious effect on other businesses in the state; and

WHEREAS, the State of Nebraska will lose a substantial amount of tax revenue paid by those employees and will be required to pay a substantial amount of money in unemployment benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature of the State of Nebraska respectfully requests the management of Safeway Stores, Inc., to reconsider its decision to close its stores in eastern and central Nebraska, because of the wide-ranging economic effects of such closings on the State of Nebraska and its citizens.
2. That a copy of this resolution be forwarded to Safeway Stores, Inc., at its corporate headquarters in Oakland, California.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 702. Title read. Considered.

Standing Committee amendments found in the Journal on page 500 for the Eighteenth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Burrows moved to indefinitely postpone LB 702.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Burrows motion lost with 3 ayes, 27 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 834. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 765. Placed on General File as amended.
Standing Committee amendment to LB 765:

1. On page 2, line 18, strike "400.01", show as stricken, and insert "400.00".

LEGISLATIVE BILL 599. Indefinitely postponed.
LEGISLATIVE BILL 610. Indefinitely postponed.
LEGISLATIVE BILL 732. Indefinitely postponed.
LEGISLATIVE BILL 864. Indefinitely postponed.
LEGISLATIVE BILL 937. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.

(Signed) William E. Barrett, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 601. Placed on General File.
LEGISLATIVE BILL 748. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File as amended.
Standing Committee amendment to LB 854:

1. Insert a new section as follows:

"Sec. 2. The Nebraska Educational Television Commission is authorized to provide a second videotext channel via line XXI Communications Technology to serve Nebraska citizens as deemed appropriate by the commission.".

(Signed) Martin Kahle, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 808. Placed on General File.
LEGISLATIVE BILL 809. Placed on General File.
LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 429. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 616 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 2. No person shall be issued a license to sell beer or wine at retail for consumption off the premises pursuant to subdivision (5) J-1. of section 53-124 at an establishment which has less than three thousand five hundred retail square feet.

Sec. 3. No person shall be issued a license to sell beer or wine at retail for consumption off the premises pursuant to subdivision (5) J-1. of section

53-124 in a county with a population of less than thirty thousand.”.

2. Renumber remaining sections accordingly.

ANNOUNCEMENT

Speaker Marvel designated the following as his priority bills:
LB 230
LB 259
LB 358
LB 535CA
LB 573
LB 590
LB 647
LB 661
LB 671
LB 693
LB 702
LB 716
LB 720
LB 753
LB 757
LB 760
LB 774
LB 785
LB 808
LB 889
LB 942
LB 956
LB 966
LB 767
LB 918
LB 891

UNANIMOUS CONSENT - Expedite LB 834

Mr. Cullan asked unanimous consent to expedite LB 834. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 200
February 19, 1982

Dear Senator Cullan:

This letter is supplementary to our letter of February 11, 1982, concerning a proposed amendment to LB 684 which imposes a residency requirement of one year as a condition of eligibility for receipt of AFDC benefits for the unborn. As we indicated to you in our letter of February 11, 1982, such a residency requirement would be declared unconstitutional. We still maintain this position, under the Shapiro analysis. Although unconstitutional for the above reason, the amendment would not be defective as violative of the supremacy clause. This is due to a recent amendment to the Social Security Act which specifically provides the states with an optional plan for aid to unborn children. See, Title XIII, Public Assistance Programs, Subtitle A, Chapter 1, §2312(a) (amending §406(b) of the Social Security Act) 1981. We construe this to be a clear congressional authorization for a state to exclude unborn children from AFDC entitlements. Consequently, a state's legislative attempt to exclude unborn children from this program would no longer clash with federal law. Again, the proposed amendment to LB 684 would be constitutionally defective under the United States Supreme Court decision in Shapiro v. Thompson, 394 U.S. 618 (1969).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:pjs
cc: Mr. Patrick J. O'Donnell, Clerk of the Legislature

VISITORS

Visitors to the Chamber were Brad Pennington, Marty Walter, John Ahrends from Lincoln; Senator Von Minden's mother, Lida, brother and wife, Mr. and Mrs. Harold Von Minden from Martinsburg, son and wife, Mr. and Mrs. Scott Von Minden from Lincoln, daughter, LeAnn Russell, granddaughters, Michelle, Heidi, Wendy, and Tracy from Garden City, Kansas; Mr. and Mrs. Bill Cerny from South Dakota; Paula Busacker from Lincoln; 20 students and teacher from Chadron State College; 9 adults from Blair and Arlington; Audrey

Towater from Scottsbluff; and Lancine-Gon Coulibaly, Kpasse Jean Koye, Emmanuel Benie, Mrs. Leopoldine Coffie, Ivory Coast Legislators, and Escort-Interpreter, Scott Slaybecke.

ADJOURNMENT

At 12:06 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Tuesday, February 23, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 23, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 23, 1982

Pursuant to adjournment, the Legislature met at 9:08 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Emmet Haas, East Lincoln Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan and V. Johnson who were excused; and Messrs. Carsten, Chambers, Newell, Schmit, and Sieck who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. H. Peterson asked unanimous consent to print the following amendment to LB 628 in the Journal. No objections. So ordered.

1. On page 3, strike lines 1 and 2; in line 3, strike "(3)" and insert "(2)"; in line 5, strike "(4)" and insert "(3)";and strike beginning with "concerning" in line 5 through "certification" in line 10 and insert "which discriminates on the basis of (a) the pregnancy of any person, (b) the marital status of any person, or (c) the condition of being a parent. Rules requiring certification of a physician's diagnosis and such physician's recommendation as to what activities a pregnant person may participate in are permissible. For purposes of this section marital status shall include

the condition of being single, married, widowed, or divorced”.

SELECT FILE

LEGISLATIVE BILL 685. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 834. Advanced to E & R for Engrossment.

MOTION - Reconsider LB 69

Mrs. Marsh renewed her pending motion found in the Journal on page 719 to reconsider LB 69 on Final Reading.

The motion prevailed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

MOTION - Place LB 770 on General File

Messrs. Beutler and Wesely renewed their pending motion found in the Journal on page 713 to place LB 770 on General File notwithstanding the action of the committee.

Mr. Wesely requested a record vote on the motion.

Voting in the affirmative, 17:

Beutler
Chambers
Dworak
Fowler
Hoagland
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Nichol
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 25:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Marvel
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney

Present and not voting, 5:

Goodrich
Higgins
Marsh
Rumery
Wagner

Excused and not voting, 2:

Cullan Johnson, V.

The Beutler-Wesely motion lost with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 611. Placed on General File as amended. Standing Committee amendments to LB 611:

1. Strike original section 1.

2. On page 3, line 22, strike "7" and insert "6".

3. On page 5, line 12, strike the comma and show as stricken; strike beginning with the comma in line 14 through "vehicles" in line 18; in line 20 after the first "used" insert "occasionally" and strike "or used"; in line 21 strike "occasionally".

4. On page 9, line 3, strike "sections 39-2103, 39-2105, and 39-2113" and insert "Chapter 39, article 21".

5. On page 10, line 6, strike "occassional" and insert "occasional"; in line 11 strike "public's" and insert "public"; in line 12 strike "or repaired" and insert "by equivalent structures"; in line 13 after "essential" insert "for public safety or"; in line 17 after "roads" insert "and at regular intervals thereon"; in line 18 strike "they are entering a" and insert "that the designated"; in line 19 strike "which"; in line 21 before "edition" insert "most recent"; in line 23 strike beginning with "on" through "act" and insert "and any supplements or specifications issued pursuant to section 39-698, and shall indicate that the county assumes no liability for personal injury or property damage occurring because of the condition of the road".

6. On page 11, line 6, strike the new matter and reinstate the stricken matter; in line 7 strike the new matter; and strike beginning with "The" in line 21 through "the" in line 27.

7. On page 12, strike lines 1,2, and 3; and in lines 20 and 24 strike "7" and insert "6".

8. On page 13, lines 6,9, and 10 strike "7" and insert "6"; and in line 12, strike "23-2410,".

9. Renumber original sections 2 to 10 as sections 1 to 9, respectively.

LEGISLATIVE BILL 660. Placed on General File as amended. Standing Committee amendments to LB 660:

1. On page 2, line 19, strike "h" and insert "his" and strike "is".

2. On page 3, line 1, strike the comma and insert ". The court shall order, as part of the judgment of conviction, that"; in lines 4 and 5 strike "or suspension"; and in line 5 after the period insert "The court shall certify a copy of the judgment of conviction to the Department of Motor Vehicles, for revocation of the employment driving permit of the individual so convicted".

3. Strike original section 2.

4. On page 5, line 19, strike "and"; in line 20 strike "39-669.35"; and in line 21 strike "are" and insert "is".

5. Renumber original section 3 as section 2.

LEGISLATIVE BILL 794. Placed on General File as amended.
Standing Committee amendment to LB 794:

1. On page 2, line 19, after "licensee" insert an underscored period; and strike lines 20 through 22.

(Signed) Maurice A. Kremer, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 593. Placed on General File.
LEGISLATIVE BILL 619. Placed on General File.
LEGISLATIVE BILL 697. Placed on General File.
LEGISLATIVE BILL 861. Placed on General File.
LEGISLATIVE BILL 897. Placed on General File.

LEGISLATIVE BILL 675. Placed on General File as amended.
Standing Committee amendment to LB 675:

1. In the Wagner amendment on pages 431 and 432 of the Journal, on page 2, strike the new matter in lines 9 through 12.

LEGISLATIVE BILL 873. Placed on General File as amended.
Standing Committee amendments to LB 873:

1. Insert the following new sections:

"Sec. 2. This act shall become operative for qualifying fuels purchased on or after April 1, 1982.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 840. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

MOTION - Place LB 684 on General File

Mr. Von Minden renewed his pending motion found in the Journal on page 719 to place LB 684 on General File notwithstanding the action of the committee.

Mr. Von Minden moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Von Minden requested a roll call vote on his motion.

Voting in the affirmative, 25:

Beyer
Carsten
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner
Wiitala

Voting in the negative, 20:

Barrett
Beutler
Chambers
Chronister
Dworak
Fowler
Goodrich
Higgins
Hoagland
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Schmit
Vickers
Wagner
Wesely

Present and not voting, 2:

Apking
Burrows

Excused and not voting, 2:

Cullan
Johnson, V.

The Von Minden motion prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Speaker Marvel announced today is Senator Cope's birthday.

MOTION - Place LB 773 on General File

Mr. Newell renewed his pending motion found in the Journal on page 743 to place LB 773 on General File notwithstanding the action of the committee.

Mr. Newell moved for a Call of the House. The motion prevailed with 16 ayes, 10 nays, and 23 not voting.

Mr. Newell requested a roll call vote on his motion.

Voting in the affirmative, 19:

Beutler
Burrows
Chambers
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Schmit
Stoney
Wesely
Wiitala

Voting in the negative, 28:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner

Excused and not voting, 2:

Cullan
Johnson, V.

The Newell motion lost with 19 ayes, 28 nays, and 2 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 685 and 834.

(Signed) Karen Kilgarin, Chairperson

MR. NICHOL PRESIDING

MOTION - Introduce New Bill

Messrs. Fowler and Hoagland moved to suspend the rules, Rule 5, Section 5(a) to permit the introduction of a new bill, Req. 1665.

SPEAKER MARVEL PRESIDING

Mr. Fowler requested a record vote on their motion.

Voting in the affirmative, 31:

Apking
Beyer
Burrows
Chambers
Chronister
Cope
DeCamp
Dworak
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 9:

Barrett
Carsten
Clark
Duda
Goll
Nichol
Peterson, H.
Pirsch
Schmit

Present and not voting, 7:

Beutler
Fenger
Johnson, L.
Koch
Lamb
Peterson, R.
Von Minden

Excused and not voting, 2:

Cullan
Johnson, V.

The Fowler-Hoagland motion prevailed with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 969. By Fowler, 27th District; Hoagland, 6th District.
This bill introduced on behalf of: Nebraska taxpayers.

A BILL FOR AN ACT to amend sections 39-699 and 39-1351, Reissue Revised Statutes of Nebraska, 1943, relating to highways and bridges; to change provisions relating to bids; to provide for rules and regulations as prescribed; and to repeal the original sections.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

Your Committee on Miscellaneous Subjects whose Chairperson is Senator Hefner to whom was referred the following appointments reports the same back to the Legislature with the recommendation that they be approved.

Senator Newell moved to recommend that the Legislature approve the Gubernatorial Appointment of Cal Solem - Nebraska Arts Council, seconded by Senator Beyer. The Committee suggests a record vote of the Legislature.

Voting yes: Senators Barrett, Beyer, Cullan, Duda, Hefner, Newell, and Von Minden. Voting no: none. Absent: Senator Fenger.

Senator Newell moved to recommend that the Legislature approve the Secretary of State Appointment of Fred Gottschalk - Nebraska Accountability and Disclosure Commission, seconded by Senator Cullan. The Committee suggests a record vote of the Legislature.

Voting yes: Senators Barrett, Beyer, Cullan, Duda, Hefner, Newell, and Von Minden. Voting no: none. Absent: Senator Fenger.

(Signed) Elroy Hefner, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 825. Placed on General File.
LEGISLATIVE BILL 859. Placed on General File.

LEGISLATIVE BILL 838. Placed on General File as amended.
Standing Committee amendments to LB 838:
Req. #2702

1. Insert the following new section:

"Section 1. That section 53-133, Revised Statutes Supplement, 1980, be amended to read as follows:

53-133. (1) The commission shall set for hearing before it any application for a retail license relative to which it has received:

(a) Within thirty days from the date of mailing such application to the city, village, or county clerk, a recommendation of denial from the city, village, or county, as the case may be;

(b) Within three days after the receipt of a recommendation from the city, village, or county, as the case may be, or, if no recommendation is received, within thirty days from the date of mailing such application to the city, village, or county clerk, objections in writing by not less than three persons residing within said city, village, or county, as the case may be, protesting the issuance of said license and no objections will be considered by the commission unless submitted in duplicate and accompanied by security for costs in the sum of ~~one hundred~~ fifty dollars in the form of cash, money order, certified check or bank draft. The withdrawal of the protest shall not prohibit the commission from conducting a hearing based upon the protest as originally filed and making an independent finding as to whether the license should or should not be issued; or

(c) Within forty-five days from the date of mailing such application to the city, village, or county clerk, as the case may be, objections by the commission or any duly appointed employee of the commission, protesting the issuance of said license.

(2) Hearings upon such applications shall be had in the manner provided in section 53-1,116.".

2. On page 4, line 1, strike "section" and insert "sections 53-133 and"; and in line 2, strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 230. Title read. Considered.

Standing Committee amendments found in the Journal on page 1014 for the Forty-Seventh Day, First Session, were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Clark moved to indefinitely postpone LB 230.

Mr. Clark moved for a Call of the House. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Clark requested a roll call vote on his motion.

Voting in the affirmative, 21:

Barrett
Carsten
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 23:

Apking
Beutler
Beyer
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wesely
Wiitala

Present and not voting, 3:

Hoagland
Kremer
Lamb

Excused and not voting, 2:

Cullan
Johnson, V.

The Clark motion lost with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers renewed his pending amendment found in the Journal on page 546.

MR. NICHOL PRESIDING

The Vickers amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:

Strike the word "adversely" in line 25, page 2 and replace it with the words "have a substantial adverse"

Add in line 26, page 2 after the word 'affect' the words "on the".

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Vickers offered the following amendment:
Amend LB 230 by striking following the period in line 25 on page 4 thru the period on line 2 page 5.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Goodrich offered the following amendment:
On Pg 2, Line 20 Strike "an occupied" and add the word "a".

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

The Goodrich amendment lost with 11 ayes, 17 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Fowler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Beutler
Beyer
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Hoagland
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Barrett
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 1:

Carsten

Excused and not voting, 3:

Apking
Cullan
Johnson, V.

Failed to advance to E & R for Review with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 449 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 1. That section 71-1, 135.01, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.01. For the purposes of this act, unless the context otherwise requires, pharmaceutical agents shall mean anesthetics, cycloplegics, and mydriatics. A contact lens prescription shall consist of a written order based on information gathered after fitting, adaptation and professional observation stipulating the specifications, directions, and instructions necessary for the fabrication, use of the contact lenses, and shall include the patient's name, prescription date and expiration date.

Sec. 2. That section 71-1,135.03, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.03. No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation ~~of~~ or the United States Office of Education or its successors and the transcript credit for the course or courses is certified to the board by the institution.

Sec. 3. That section 71-1,136, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,136. No school of optometry shall be approved by the Department of Health as an accredited school unless said school is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation ~~of~~ or the United States Office of Education, or its successors.

2. On page 12, line 15, of the original bill after "71-162" insert ", 71-1,135.01, 71-1,135.03, 71-1,136".

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 365. Placed on General File as amended.
Standing Committee amendments to LB 365:
Req. #2675

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 84-1309, Revised Statutes Supplement, 1981, be amended to read as follows:

84-1309. (1) There is hereby established in the state treasury a special fund to be known as the State Employees Retirement Fund to consist of such funds as the Legislature shall from time to time appropriate. The Director of Administrative Services shall draw a warrant each month on the State Employees Retirement Fund equal to (a) one hundred fifty-six per cent of the amounts deducted for employees with ten years or less of service, (b) one hundred seventy-six per cent of the amounts deducted for employees with more than ten but less than sixteen years of service, and (c) two hundred six per cent of the amounts deducted for employees with sixteen or more years of service, in accordance with the provisions of section 84-1308, from salaries of employees who are paid from funds appropriated from the General Fund.

(2) The Director of Administrative Services shall draw a warrant each month on the funds of each department with at least one employee who is a member of the retirement system for a sum equal to (a) one hundred fifty-six per cent of the amounts deducted for employees with ten years or less of service, (b) one hundred seventy-six per cent of the amounts deducted for employees with more than ten but less than sixteen years of service, and (c) two hundred six per cent of the amounts deducted for employees with sixteen or more years of service, in accordance with the provisions of section 84-1308, from salaries of employees who are paid from any funds other than funds appropriated from the General Fund.

(3) The Director of Administrative Services shall draw a warrant each month on the State Employees Retirement Fund in the amount of fifteen thousand dollars until December 31, 1971, and the State Treasurer shall cause the amounts of such warrants to be paid to the state investment officer as the premium for prior service benefits. After receiving the annual report required by section 84-1315, the Legislature may make such adjustments in the funding of prior service benefits as necessary to keep the plan sound. The contribution for

prior service purposes shall cease when the prior service obligation is properly funded.

(4) The State Treasurer shall cause the amount of the warrants provided for in subsections (1), (2), and (3) of this section to be paid to the state investment officer.

Sec. 2. That section 84-1311, Revised Statutes Supplement, 1981, be amended to read as follows:

84-1311. A member's share of the fund arising from the state contributions made in accordance with the provisions of section 84-1309 shall be known as his or her employer account. As of any January 1 a member's employer account shall be equal to his or her account as of the next preceding January 1, increased (a) by one hundred fifty-six per cent of any amounts deducted from the member's salary since the next preceding January 1 for employees with ten years or less of service, (b) one hundred seventy-six per cent of the amounts deducted for employees with more than ten but less then sixteen years of service, and (c) two hundred six per cent of the amounts deducted for employees with sixteen or more years of service in accordance with the provisions of section 84-1308, increased by any interest allocated under the provisions of the group annuity contract, and reduced by any expense charges made under the provisions of the group annuity contract and by any expense charges incurred by the Public Employees Retirement Board in connection with administering the system in excess of those provided for in section 84-1321; Provided, that a member who ceased being an employee since the next preceding January 1 may have his or her employer account reduced in accordance with the provisions of section 84-1321.

Sec. 3. That original sections 84-1309 and 84-1311, Revised Statutes Supplement, 1981, are repealed.".

(Signed) Steve Fowler, Chairperson

SPEAKER MARVEL PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 229.

Introduced by Fowler, 27th District; Higgins, 9th District; Kilgarin, 7th District; Wesely, 26th District; Hoagland, 6th District; Beutler, 28th District; Wiitala, 31st District; Burrows, 30th District; Rumery, 42nd District; Labedz, 5th District.

WHEREAS, the Congress of the United States, with the strong support of President Reagan, passed a substantial tax cut program in 1981; and

WHEREAS, this tax cut provides for a gradual 25% reduction in individual income taxes; and

WHEREAS, the tax cut is resulting in substantially reduced revenues at the state and federal level; and

WHEREAS, President Reagan had promised to balance the federal budget by 1984; and

WHEREAS, it now appears certain that the federal budget will not be balanced by 1984, and that in fact deficits may reach $100 billion by that time; and

WHEREAS, several members of Congress, both Democratic and Republican, have expressed grave concern about this mounting deficit;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature urges Congress to re-evaluate the tax cuts made in 1981 in light of the increasing federal deficit and decreasing revenues in states like Nebraska;
2. That the Legislature urges Congress to defer the implementation of portions of the tax cut program scheduled to go into effect in 1982 and 1983 until such time as the federal deficit has been reduced;
3. That the Clerk of the Legislature be directed to send copies of this resolution to members of the Congress of the United States and to President Reagan.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 801. Title read. Considered.

Standing Committee amendments found in the Journal on page 499 for the Eighteenth Day were adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 834 in the Journal. No objections. So ordered.

Req. #2709

1. Insert the following new section:

"Section 1. That Legislative Bill 7, Eighty-seventh Legislature, First Special Session, 1981, section 3, be amended to read as follows:

Sec. 3. A collection service fee shall be imposed on an individual who ~~owes~~ receives delinquent child support in an amount equal to ~~ten~~ six per cent of the ~~delinquent~~ amount ~~owed~~ paid. ~~No part of the amount collected shall be considered to be a fee collected except such amounts collected which exceed the actual amount of the delinquent support owed.~~ The collection service fee shall be deducted from the child support payment. The clerk of the district court shall record the amount of such fees. Any fees so collected for aid to dependent children recipients or actions filed pursuant to section 43-512.02 shall be transmitted to the Department of Public Welfare. All collection of fees in other cases shall be placed in the general fund of the appropriate county.".

2. On page 2, line 1, after "That" insert "original Legislative Bill 7, Eighty-seventh Legislature, First Special Session, 1981, section 3, and also"; and in line 3, strike "is" and insert "are".

3. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were former Mayor of Omaha, Al Veys; State Fire Marshal Wally Barnett; Billy Weckwerth and Ted Barry from Wyoming; William Kegin from Kansas; a group from Peking, China; 60 third and fourth graders and teachers from Holmes Elementary School, Lincoln; Lisa Keep and Kerri Bareut from Ogallala; Neal Graham from Valentine; 54 eighth graders and instructor from Beveridge Junior High School, Omaha; students from Chadron State College; and Todd Kurtenback from Norfolk.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Wednesday, February 24, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 24, 1982

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Bruce Currier, Second Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler and Newell who were excused; and Mesdames Higgins, Labedz, Miss Kilgarin, Messrs. Burrows, Chambers, Goodrich, Haberman, V. Johnson, Kahle, Koch, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 547. Placed on Select File as amended.
E & R amendments to LB 547:

(References are to Req. 2679.)

1. On page 3, line 26, insert "of" after "loss".
2. On page 5, line 19, strike "that" and insert "who,".
3. On page 6, line 2, insert "(a)" after "any"; in line 3, strike "; any" and insert ", (b)"; in lines 4 and 5, strike "; and" and insert ", (c)"; in line 6 strike "; or any" and insert ", or (d)"; in line 9 strike the semicolon and insert an underscored comma; and in line 13 insert an underscored comma after "act".

LEGISLATIVE BILL 383. Placed on Select File as amended.
E & R amendment to LB 383:

1. In the title, strike lines 2 to 8 and insert:
"FOR AN ACT to amend section 60-305.09 and subsection (5) of section 77-202, Revised Statutes Supplement, 1980, relating to vehicles; to change provisions governing apportionable fleets; to change a tax excemption; and to repeal the original section and subsection, and also Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 590. Placed on Select File as amended.
E & R amendment to LB 590:

1. In the Kilgarin amendment, line 2, insert "over" after "matters".

LEGISLATIVE BILL 590A. Placed on Select File.

LEGISLATIVE BILL 702. Placed on Select File as amended.
E & R amendment to LB 702:

1. On page 10, line 10, strike "sections" and reinstate the stricken "section".

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 892. Placed on General File.

LEGISLATIVE BILL 895. Placed on General File as amended.
Standing Committee amendments to LB 895:
Req. #2710

1. On page 2, strike beginning with "The" in line 20 through "State" in line 27, show as stricken, and insert the following new subsection:

"The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform taxation basis for the support of the high school program of the receiving district. (a) The calculation shall take from the most current annual term finance report of the receiving district on file with the State Department of Education, the total current expense listed on line 294 under the secondary column and, when necessary, adjustments shall be made to reflect such expense for grades nine through twelve only, plus three per cent depreciation listed on line 471 under the secondary column. (b) Such figure shall be divided by an amount equal to the total valuation of the receiving district plus the valuation determined by multiplying the valuation of all Class I school districts, not part of any Class VI district, in the county times a ratio equal to the number of students from the county attending the receiving district to the total number of nonresident students in the county. (c) The figure resulting from dividing the expenses in subdivision (a) of this subsection by the total valuation in subdivision (b) of this subsection shall determine a levy to be assessed against such total valuation determined in subdivision (b) of this subsection for the operation of the secondary level program.

The levy determined shall be multiplied by the proportion of the total valuation of the Class I school districts of each county served by the receiving district to determine the dollars to be raised by the Class I districts and the product of such computation shall be divided by the total number of nonresident pupils attending the receiving district to determine the per pupil rate for nonhandicapped pupils. The rate to be certified by the receiving district for the ensuing school year shall not be less than the computed rate nor more than one hundred twenty-five per cent of the computed rate. There shall be added to the certified rate an additional service rate for handicapped pupils as provided by the rules and regulations adopted and promulgated by the State Board of Education. The superintendent of the receiving school shall certify such high school tuition rate for nonresident pupils to the county superintendent on or before the second Monday of July in each year.”.

2. On page 3, strike lines 1 through 5 and show as stricken.

LEGISLATIVE BILL 736. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

Judiciary

The Committee on the Judiciary desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Doris Collins - Board of Parole
Colonel E. J. Kohmetscher - Superintendent Nebraska State Patrol

Voting in favor: Senators Beyer, Chambers, Kilgarin, Nichol, Von Minden. Voting against: None. Absent: Senators Chronister, Pirsch, Sieck. Not voting: None.

(Signed) William E. Nichol, Chairperson

NOTICE OF COMMITTEE HEARINGS
Public Works

Wednesday, March 10, 1982 12:30 p.m.
Reed Gilmore - NE Oil & Gas Conservation Commission
Guy F. (Jeff) Bush - NE Oil & Gas Conservation Commission

LR 212 Wednesday, March 10, 1982 12:30 p.m.

(Signed) Maurice A. Kremer, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of Legislative Bill 969.

LB	**Committee**
969	Public Works

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 201
February 19, 1982

Dear Senator Cullan:

You have asked if LB 863 as amended by the Public Health and Welfare Committee unlawfully delegates to the Department of Health the authority to set fees for certain laboratory tests and goods. We have concluded that it probably does not as discussed below.

Where, as here, the primary purpose of a fee is to raise revenue, it is a tax. See, Neb.Rev.Stat. §71-2618 (Reissue 1976) and Scott v. Donnelly, 133 N.W.2d 418 (N.D. 1965). The power to tax is a legislative function. See, Nebraska Constitution, Art. VIII, §1. Several states having similar constitutional provisions have found that the power to tax cannot be delegated to administrative agencies. See, Conner v. Joe Hatton, Inc., 203 So. 2d 154 (Fla. 1967); Scott, above, and Betts v. Lightning Delivery Co., 42 Ariz. 105, 22 P.2d 827 (1933).

The same is true in Nebraska where the Legislature may not delegate its power to make a law. However, this does not mean that the Legislature must lay down in a legislative act a strict rule which must be followed by an administrative officer or board. Such persons or boards may be vested by the Legislature within reasonable limits with the exercise of judgment in carrying out the express legislative purpose of an act. Lennox v. Housing Authority of City of Omaha, 137 Neb. 582, 590 (1940). Thus the question here is whether the Legislature has set down sufficient guidelines for the Department of Health in setting the fees referred to in LB 863.

According to those amendments the cost of laboratory examinations or of specimen containers, shipping outfits and related supplies is the only guideline for the Department of Health in setting such fees with two exceptions. Fees for each unit of the goods listed may not exceed $5.00 and the fee for testing water samples other than domestic water samples may not be more than one and one-half times the fee for testing domestic water samples.

We have concluded that the guideline of cost is probably sufficient to avoid delegation problems in this case. As stated in Betts, above, at 830:

> A law appointing an agent to collect a license tax should fix the amount thereof at a definite sum, or adopt a rule from which such agent and taxpayer can, upon the ascertainment of the facts in any particular case, definitely and uniformly calculate the tax.

The fact that the Department of Health must determine what that cost is before it sets the fee is not itself an improper delegation of legislative authority. See, Lennox v. Housing Authority of the City of Omaha, 137 Neb. 582 (1940). However, we could say with greater assurance that there was no delegation problem if the Legislature were to set the maximum fee that could be set in each category of laboratory examinations. This would also serve to place a lid on the costs that could be incurred in making the tests.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MB:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused Thursday, February 25, Friday, February 26, and March 1, 1982. No objections. So ordered.

REPORT

Received System Actuary's reports from School Retirement System of the State of Nebraska.

SELECT FILE

LEGISLATIVE BILL 375. E & R amendments found in the Journal on page 394 for the Twelfth Day were adopted.

Mr. Kremer offered the following amendment:

(Amendments to White Copy Req. 2505)

1. On page 5, line 13, strike "and"; in line 15 strike the period and insert "; and"; after line 15 insert a new subdivision as follows:

"(17) This act shall mean and include sections 46-656 to 46-674 and sections 3 to 15 of this act.".

2. On page 10, line 25, after "user" insert "in a management area".

The amendment was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Mr. Hoagland renewed his pending amendment (1) found in the Journal on page 636.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 13:

Beutler
Cullan
Hoagland
Johnson, V.
Kilgarin
Landis
Pirsch
Remmers
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 26:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Duda
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Schmit
Sieck
Wagner

Present and not voting, 6:

Clark
Dworak
Fenger
Marsh
Rumery
Von Minden

Excused and not voting, 4:

Burrows
Chambers
Fowler
Newell

The Hoagland amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

Mr. Hoagland renewed his pending amendment (2) found in the Journal on page 636.

MR. HEFNER PRESIDING

Messrs. Nichol, Lamb, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 8:

Beutler
Cullan
Dworak
Hoagland
Kilgarin
Landis
Vickers
Wesely

Voting in the negative, 20:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Wagner

Present and not voting, 15:

Apking
Duda
Fenger
Goodrich
Higgins
Johnson, V.
Koch
Labedz
Marsh
Marvel
Sieck
Stoney
Von Minden
Warner
Wiitala

Excused and not voting, 6:

Chambers
Fowler
Lamb
Newell
Nichol
Pirsch

The Hoagland amendment lost with 8 ayes, 20 nays, 15 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 909. Placed on General File as amended.
Standing Committee amendments to LB 909:
Req. #2707

1. On page 2, line 3, strike "The" and insert "Except as provided in section 2 of this act, the ~~The~~"; in line 5 after "it" insert ", including land used for park purposes and public squares"; in line 12 strike "accordance" and insert "compliance"; in line 13 after "with" insert "the requirements of"; strike beginning with "The" in line 16 through "community" in line 20 and insert "Such property consists of streets and alleys".

2. Insert the following new sections:

"Sec. 2. Subject to the conditions of this section, section 17-503 shall not apply to the sale of personal property if the authorizing resolution directs the sale of an item or items of personal property the total fair market value of which is less than one thousand dollars. Following passage of the resolution directing the sale of such property, notice of such sale shall be posted in a prominent place within the city or village for a period of not less than seven days prior to the sale of such property. Such notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 603A. By Cullan, 49th District.
This bill introduced on behalf of: LB 603.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 919A. By Landis, 46th District; V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 919, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

Amend Section (1), subsection (3) as follows:

(3) The term probationary certificated employee shall mean a teacher or administrator who has served under a contract with the school district for less than two successive school years in a Class I, II, III, or VI school district, except where the probationary period has been extended as otherwise provided in Section 5 of this act, and less than three successive school years in a Class IV or V school district; and superintendents, regardless of length of service.

Amend Section 5 as follows: (New Subsection 5 c)

Where a probationary certificated employee has served under contract to a Class I, II, III, & VI school district for two (2) successive school years, said employee shall become a permanent certificated employee, unless the probationary period shall have been extended for one additional year as herein provided, but under no circumstances shall probation extend beyond a third year.

No probationary certificated employee of a Class I, II, III, or VI school district shall be subjected to an additional year of probation unless or until all of the following conditions have been met.

During the first two years of employment, at least once each semester

(1) The probationary employee shall have been observed and evaluation shall have been based upon actual classroom observations for an entire instructional period.

(2) Should deficiencies be noted in the work performance of any probationary employee the evaluator shall provide the teacher or administrator at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow up evaluations and assistance where deficiencies remain.

(3) Should the evaluator recommend to the Board of Education the extention of probation to a third year, said extension shall be considered a contract amendment subject to all procedures as set forth in Section 1 of this act and an employee may request a hearing.

(4) Should the school board vote on or before May 15 to extend the probationary period to a third year, then prior to the start of the third year, the probationary certificated employee shall be provided with a written comprehensive plan of remediation designed to place the certificated employee on permanent tneured status at the end of the third year. During the course of the third year, Steps 1 and 2 shall be repeated. An employee whose probationary period has been extended for an additional year shall upon request be provided with a new evaluator subject to the mutual consent of the employee and the previous evaluator.

Any certificated employee, employed prior to the effective date of this act, by the school board of any Class I, II, III, or VI school district shall serve the probationary period required by law prior to the passage of this act and shall not be subject to any extension of probation.

Mr. DeCamp asked unanimous consent to print the following notice in the Journal. No objections. So ordered.

This will serve to notify the Legislature and the public that all legislative work of the Banking, Commerce and Insurance Committee has been completed for the 1982 Legislative Session.

Every bill in committee has either been advanced to the floor of the Legislature or been disposed of by being killed.

On a motion by Senator Robert Clark and unanimously supported by all seven members of the committee present including: Senators DeCamp, Haberman, Schmit, Landis, Remmers, Clark, and Duda; Senator Labedz was absent; all remaining bills in the Committee were unanimously indefinitely postponed.

SELECT FILE

LEGISLATIVE BILL 375. Mr. Hoagland asked unanimous consent to withdraw his pending amendments (3) and (4) found in the Journal on page 636. No objections. So ordered.

Mr. Hoagland renewed his pending amendment (5) found in the Journal on page 637.

Mr. Hoagland requested a record vote on his amendment.

Voting in the affirmative, 11:

Beutler
Cullan
Dworak
Hoagland
Kilgarin
Landis
Marsh
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 25:

Apking
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 8:

Barrett
Chambers
Fenger
Goll
Goodrich
Johnson, V.
Marvel
Wesely

Excused and not voting, 5:

Fowler
Lamb
Newell
Nichol
Pirsch

The Hoagland amendment lost with 11 ayes, 25 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Cullan asked unanimous consent to withdraw his pending amendment found in the Journal on page 752. No objections. So ordered.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Apking
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 1:

Hoagland

Present and not voting, 7:

Barrett
Chambers
Goodrich
Johnson, V.
Rumery
Vickers
Wesely

Excused and not voting, 5:

Fowler
Lamb
Newell
Nichol
Pirsch

Advanced to E & R for Engrossment with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 604. Mr. Cope renewed his pending amendment found in the Journal on page 758.

Mr. Dworak requested a record vote on the Cope amendment.

Voting in the affirmative, 38:

Apking
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 6:

Barrett
Beutler
Chambers
Johnson, V.
Kremer
Vickers

Excused and not voting, 5:

Fowler
Lamb
Newell
Nichol
Pirsch

The Cope amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 604A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. Mr. Beutler requested to have LB 305 laid over.

LEGISLATIVE BILL 335. Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 490. No objections. So ordered.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 713.

MR. CLARK PRESIDING

The DeCamp amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Landis renewed his pending amendment found in the Journal on page 731.

Mr. DeCamp asked unanimous consent to have LB 335 laid over temporarily. No objections. So ordered.

LEGISLATIVE BILL 208. Mr. Koch requested to have LB 208 laid over.

LEGISLATIVE BILL 36. Considered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Kahle requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Burrows
Chronister
Cope
DeCamp
Duda
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Peterson, H.
Rumery
Schmit
Sieck
Wagner
Warner
Wesely

Voting in the negative, 24:

Apking
Barrett
Beutler
Beyer
Carsten
Cullan
Dworak
Goll
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marvel
Nichol
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wiitala

Present and not voting, 4:

Chambers Clark Fenger Marsh

Excused and not voting, 3:

Fowler Newell Pirsch

Failed to advance to E & R for Engrossment with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on advancement of LB 375.

(Signed) Howard Lamb

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 410 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2 strike the new matter and reinstate the stricken matter.

2. On page 3, strike the new matter in lines 1 and 20 through 27; and in line 18 strike the new matter and reinstate the stricken matter.

3. On page 4, lines 1 through 7, strike the new matter and reinstate the stricken matter; and in line 23 strike "(6)" and reinstate the stricken matter.

4. On page 5, line 13, strike "or" and insert "~~or~~ may be represented by counsel, any other duly authorized agent, or a person of his or her choice. Any individual claiming benefits in any proceeding before"; in lines 13 through 15 strike the new matter and reinstate the stricken matter; in line 14 strike "or other duly authorized agent," and show as stricken; and in line 15 strike "and such", show as stricken, and insert ". Such".

5. In the title, strike beginning with "to" in line 4 through the semicolon in line 7 and insert "to delineate authority;".

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 395. Indefinitely postponed.
LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 461. Indefinitely postponed.
LEGISLATIVE BILL 464. Indefinitely postponed.
LEGISLATIVE BILL 810. Indefinitely postponed.

(Signed) Steve Fowler, Chairperson

MOTION - Proposed Rule Change

Mr. Vickers moved to amend Rule 5, Section 6 to read as follows: Sec. 6. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each standing committee chairperson may designate two of the committee's bills as priority bills.

(c) The Speaker may designate up to 10 ~~any additional number of~~ priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on general file in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provisions shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a Consent Calendar. Any bill placed on Consent Calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds may be held on final reading until such time as the annual appropriations bills have been passed. The Speaker shall structure the agenda of the Legislature so that all priority bills are given an opportunity to be voted upon for final passage prior to the end of the annual session.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 759 in the Journal. No objections. So ordered.

1. On page 2, strike beginning with "two" in line 5 through "plates" in line 8, show as stricken, and insert "one number plate, to be displayed on the rear of the vehicle, upon which"; in line 12 after "plates" insert "distributed under this section"; and in line 24 strike beginning with "Each" through "changed", show as stricken, and insert "Before contracting for the production of either new or replacement plates".

2. On page 3, line 2, strike the new matter and reinstate the stricken matter; and in line 3 after the period insert "In years in which new plates are issued, each county treasurer shall collect, in addition to the regular registration fee, a fee of one dollar per vehicle to be paid to the Department of Motor Vehicles to help recover the cost of new plates.".

3. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 480. Placed on General File as amended.
Standing Committee amendments to LB 480:
Req. #2719

1. Strike the original sections and insert new sections as follows:

"Section 1. That section 77-2001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2001. All property, including proceeds of life insurance receivable by the executor or administrator to the extent of the amount receivable by the executor or administrator as insurance under policies upon the life of the decedent, which shall pass by will or by the intestate laws of this state from any person who, at the time of ~~his~~ death was a resident of this state, or, if the decedent was not a resident, any part of the property within this state, except property exempted by the provisions of ~~sections 77-2007, 77-2007.01, and 77-2007.02~~ Chapter 77, article 20, shall be subject to tax at the rates prescribed by sections 77-2004 to 77-2006.

Sec. 2. That section 77-2002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2002. (1) Any interest in property whether created or acquired prior or subsequent to August 27, 1951, shall be subject to tax at the rates prescribed by sections 77-2004 to 77-2006, except property exempted by the provisions of ~~sections 77-2007 to 77-2007.04~~ Chapter 77, article 20, if it shall be transferred by deed, grant, sale, or gift, in trust or otherwise, and: (a) Made in contemplation of the death of the grantor; (b) intended to take effect in possession or enjoyment, after his or her death; (c) by reason of death, any person shall become beneficially entitled in possession or expectation to any property or income thereof; or (d) held as joint owners or joint tenants by the decedent and any other person in their joint names, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or property; Provided, that where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or property, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person or, where any property has been acquired by gift, bequest, devise, or inheritance by the decedent and any other person as joint owners or joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint owners or joint tenants. ~~If the decedent and the decedent's spouse were the only owners of property held in joint ownership or joint tenancy, it shall be assumed that each spouse contributed equally to the acquisition of the property, unless the surviving spouse shall prove that~~

~~his or her contribution was greater than one half the cost of such property.~~

(2) For the purpose of subsection (1) of this section, if the decedent, within a period of three years ending with the date of his or her death, except in the case of a bona fide sale for an adequate and full consideration for money or money's worth, transferred an interest in property for which a federal gift tax return is required to be filed under the provisions of the Internal Revenue Code of 1954, as amended, such transfer~~,~~ ~~unless shown to the contrary,~~ shall be deemed to have been made in contemplation of death within the meaning of subsection (1) of this section; no such transfer made before such three-year period shall be treated as having been made in contemplation of death in any event.

Sec. 3. That section 77-2004, Revised Statutes Supplement, 1980, be amended to read as follows:

77-2004. In the case of a father, mother, ~~husband, wife,~~ child, brother, sister, wife or widow of a son, husband or widower of a daughter, child or children legally adopted as such in conformity with the laws of the state where adopted, any lineal descendant ~~born in lawful wedlock, or any lineal descendant legally adopted as such in conformity with the laws of the state where adopted;~~ or ~~to~~ any person to whom the deceased for not less than ten years prior to death stood in the acknowledged relation of a parent, or the spouse or surviving spouse of any such persons; Provided, that no one shall be considered a person to whom the deceased stood in the acknowledged relation of a parent unless he or she shall have been a member of the household of the deceased and shall have had his or her permanent home in the home of the deceased for at least five continuous years during his or her minority; the rate of tax shall be one per cent of the clear market value of the property in excess of ten thousand dollars received by each person. Any interest in property, including any interest acquired in the manner set forth in section 77-2002, which may be valued at a sum less than ten thousand dollars shall not be subject to tax. In addition the homestead allowance, exempt property, and family maintenance allowance shall not be subject to tax. Any interest in property transferred to the surviving spouse of the decedent shall not be subject to tax. ~~The intestate succession interest of any spouse regardless of value shall not be subject to tax. Interests passing by will to the surviving spouse or in the manner set forth in section 77-2002 to the extent of the value of the succession interest of the spouse shall not be subject to tax. For the purpose of this section the value of all~~

~~property acquired in the manner set forth in section 77-2002 shall be considered as a part of the decedent's estate for the purpose of determining the value of the succession interest of a surviving spouse. The amount of the intestate succession interest shall be computed for the purpose of this section without regard to the elective share of a surviving spouse in an augmented estate.~~

Sec. 4. That section 77-2032, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2032. All inheritance tax money received or collected by each county shall be credited by resolution of the county board in whole or in part either to the county general fund or to any other fund of the county selected by the county board. ~~, for the relief of worthy, incapacitated or indigent persons, including the construction of a convalescent hospital, geriatrics unit or homes for the aged or infirm for their care, for the erection, planning, building, and maintenance of the county courthouse, or for the purpose of the improvement of county roads to be built without the corporate limits of any city or village or for county general fund purposes.~~

Sec. 5. That section 77-2106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2106. All the proceeds from the levy and imposition of this estate or excise tax shall be paid to the Tax Commissioner, who shall deposit same with the State Treasurer for credit to the General Fund. ~~When the final determination of the amount of the estate tax due to the United States has been made and the amount due the State of Nebraska has been thereby finally ascertained, refund of any overpayment shall be made as provided in this act out of the Tax Refund Fund.~~

Sec. 6. Sections 2, 3, and 8 of this act shall become operative on December 31, 1982, and shall apply to all property which passes from a decedent dying after such date. The remaining sections of this act shall become operative on their effective date.

Sec. 7. That original sections 77-2001, 77-2032, and 77-2106, Reissue Revised Statutes of Nebraska, 1943, and also sections 77-2033, 77-2034, 77-2035, 77-2036, and 77-2106.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 8. That original section 77-2002, Reissue Revised Statutes of Nebraska, 1943, and section 77-2004, Revised Statutes Supplement, 1980, are repealed.".

LEGISLATIVE BILL 793. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2712.)

(Signed) Calvin F. Carsten, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 621. Placed on General File.

LEGISLATIVE BILL 586. Indefinitely postponed.
LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 918. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2696.)

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

Strike the following language from Line 20, Page 29, "of need with or without any specified modifications or" and insert instead therfor the following language: "of need ~~with or~~ without any conditions or specified modifications or".

Strike all language from Line 27, Page 29 after the word "condition".

Strike all language from Lines 1-4, Page 30.

Srike the following language from Lines 13-15, Page 30: "A certificate shall not be withheld pending reconsideration or appeal limited to conditions attached to the certificate".

SELECT FILE

LEGISLATIVE BILL 335. Mr. Landis offered the following amendment to his pending amendment found in the Journal on page 731:

1. In the Landis amendment on page 732 of the Journal strike beginning with "strike" on page 1, line 25 through "16" in line 2 and insert in line 15 after "information" insert "on abuse of adult or disabled persons".

2. Strike the DeCamp amendment.

The amendment was adopted with 25 ayes, 11 nays, 10 present and not voting, and 3 excused and not voting.

Amendment pending.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 967	Wednesday, March 10, 1982	12:00 noon
LB 968	Wednesday, March 10, 1982	12:00 noon

(Signed) Bill Barrett, Chairperson

ANNOUNCEMENT

Speaker Marvel announced LB 202 be rescheduled for Special Order from March 1, 1982 to March 15, 1982; LB 626, LB 259, and LB 774 set on Special Order for March 2, 1982.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 36A. By Schmit, 23rd District.
This bill introduced on behalf of: LB 36.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 36, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

VISITORS

Visitors to the Chamber were 18 students and teacher from Villa Marie, Waverly; and a group of Nebraska Stock Growers from western Nebraska.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. V. Johnson, the Legislature adjourned until 8:30 a.m., Thursday, February 25, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 25, 1982

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 25, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 25, 1982

Pursuant to adjournment, the Legislature met at 8:31 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Rev. Andrew Doiel, Wesleyan Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler and Koch who were excused; and Messrs. Burrows, Chambers, Cullan, DeCamp, Haberman, Hoagland, V. Johnson, Newell, Schmit, Wesely, Wiitala, Miss Kilgarin, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 801. Placed on Select File as amended.
E & R amendments to LB 801:

1. On page 10, line 6, strike "chapter" and insert "article"; in line 17, insert an underscored comma after "mean"; and strike beginning with "not" in line 22 through "wage" in line 23.
2. On page 17, line 25, strike "chapter" and insert "article".

(Signed) Karen Kilgarin, Chairperson

MOTION - Suspend Rules

Speaker Marvel moved to suspend the rules, Rule 6, Section 7, to permit consideration of LB's 685 and 834 on final reading today.

The motion prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 685. With Emergency.

A BILL FOR AN ACT to amend sections 5-215 and 5-235, Revised Statutes Supplement, 1981, relating to reapportionment; to change the boundaries of legislative districts 14 and 34 as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 0.

Excused and not voting, 10:

Burrows
Chambers
DeCamp
Fowler
Hoagland
Koch
Newell
Schmit
Wesely
Wiitala

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment on LB 834

Mr. Schmit asked unanimous consent to withdraw his pending amendment, Req. #2709, to LB 834 found in the Journal on page 823. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 834. With Emergency.

A BILL FOR AN ACT to repeal Legislative Bill 7, Eighty-seventh Legislature, First Special Session, 1981, section 6; to remove a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 0.

Present and not voting, 1:

Cullan

Excused and not voting, 10:

Burrows
Chambers
DeCamp
Fowler
Hoagland
Koch
Newell
Schmit
Wesely
Wiitala

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 139.

A BILL FOR AN ACT relating to insurance; to authorize prepaid dental service corporations; to provide duties; to set standards for prepaid dental service corporations; to provide definitions; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 1:

Duda

Excused and not voting, 6:

Burrows
Chambers
Fowler
Koch
Schmit
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 139A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 2:

Clark
Warner

Excused and not voting, 6:

Burrows
Chambers
Fowler
Koch
Schmit
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 215 to Select File

Mr. Landis moved to return LB 215 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 3, line 23, strike “can be” and insert “is”.

2. On page 4, line 1, after the period insert “A determination that the district court is a more appropriate forum shall not be a final order for the purpose of enabling an appeal.”.

The motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

MOTION - Return LB 304 to Select File

Messrs. Carsten and Warner moved to return LB 304 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 2, line 12, after the period, insert "For the taxable year commencing January 1, 1982, the individual income tax rate shall be not less than sixteen per cent.".

Mr. Duda moved to hold over LB 304 until after LR 215 has been acted upon.

Mr. Warner offered the following amendment to the Duda motion:
Consider both LR 215 and LB 304 today.

The Warner amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

The Duda motion, as amended, prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 215. Read. Considered.

Mr. Warner reoffered the Warner-Dworak-Fowler-Rumery-Marsh amendment found in the Journal on page 555.

Mr. Warner offered the following amendment to the pending Warner et al amendment found in the Journal on page 555:
PURPOSE: To increase the recommendation for the 1982-83 maximum general fund appropriation by $5.0 million instead of $15.0 million and the 1983-84 maximum general fund appropriation by $5.3 million instead of $16.0 million over that recommended by the Governor.
AMENDMENT:
In the of Appropriations Committee Amendment on pages 555 and 556 of the Journal;
(1) In Amendment 1:
(a) In the first Whereas, in line 1, strike "Appropriations Committee" and insert "Nebraska Legislature"; in line 2 strike "773.0" and insert "763.0"; in line 3, strike "$4.1" and insert "3.5".
(b) In the second Whereas, in line 1, strike "Appropriations Committee" and insert "Nebraska Legislature"; in line 2, strike

“827.1” and insert “816.4”; in line 3, strike “$4.4” and insert “3.7”.
(2) In Amendment 2, in line 2:
(a) Strike “$773.0” and insert “$763.0”;
(b) Strike “$827.1” and insert “$816.4”.

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER MARVEL PRESIDING

Mr. Beutler moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 29 ayes, 6 nays, and 14 not voting.

Mr. Haberman requested a record vote on the Warner amendment.

Voting in the affirmative, 26:

Barrett
Beutler
Carsten
Chronister
Cope
Cullan
Dworak
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Marsh
Newell
Peterson, H.
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Beyer
Burrows
Clark
DeCamp
Duda
Fenger
Goll
Haberman
Higgins
Labedz
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Stoney

Present and not voting, 3:

Chambers
Goodrich
Von Minden

Excused and not voting, 3:

Fowler
Koch
Schmit

The Warner amendment to the Warner et al amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

Mrs. Marsh moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mr. Haberman requested a record vote on the Warner et al amendment, as amended.

Voting in the affirmative, 31:

Barrett
Beutler
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Goll
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Marsh
Nichol
Peterson, H.
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 15:

Apking
Beyer
Burrows
Fenger
Haberman
Higgins
Hoagland
Labedz
Marvel
Newell
Peterson, R.
Pirsch
Remmers
Stoney
Wiitala

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Fowler
Koch

The Warner et al amendment, as amended, was adopted with 31 ayes, 15 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Cullan requested a record vote on the adoption of LR 215.

Voting in the affirmative, 28:

Barrett
Beutler
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Goll
Hefner
Johnson, L.
Johnson, V.
Kilgarin
Kremer
Lamb
Landis
Marsh
Peterson, H.
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 16:

Apking
Beyer
Burrows
Cullan
Fenger
Haberman
Higgins
Hoagland
Labedz
Marvel
Nichol
Peterson, R.
Pirsch
Remmers
Stoney
Wiitala

Present and not voting, 3:

Goodrich	Kahle	Newell

Excused and not voting, 2:

Fowler	Koch

LR 215 was adopted with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 710. Placed on General File as amended. Standing Committee amendments to LB 710:

1. Strike sections 2, 3, and 4 and insert the following new section:

"Sec. 2. The State Department of Education shall administer a foreign language assistance program which shall make accessible to school districts textbooks, audio-visual material, testing material, and inservice training as is necessary to the program.".

2. Renumber original section 5 as section 3.

(Signed) Jerry Koch, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 786. Placed on General File.
LEGISLATIVE BILL 962. Placed on General File.

(Signed) Loran Schmit, Chairperson

REPORT

Received System Actuary's reports from Nebraska State Patrolmen's Retirement System; Nebraska Judges Retirement System; Nebraska State Employees Retirement System; and Nebraska County Employees Retirement System on February 24,1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 686 in the Journal. No objections. So ordered.

Req. #2715

1. On page 18, line 16, strike "one hundred", show as stricken, and insert "fifty".
2. Insert the following new section:

"Sec. 8. That section 53-135.01, Revised Statutes Supplement, 1980, be amended to read as follows:

53-135.01. The city or village clerk or the county clerk, as the case may be, shall cause to be published in a legal newspaper in or of general circulation in such city, village, or county, as the case may be, one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license, except class C licenses which shall be published between the dates of July 10 and July 30 of each year, for which provision is made in subdivision (5) of section 53-124, within such city, village, or county, as the case may be, in the following form:

NOTICE OF RENEWAL
OF RETAIL LIQUOR LICENSE

Notice is hereby given that pursuant to section 53-135.01 liquor license may be automatically renewed for one year from May 1, 19. . . ., or November 1, 19. . . ., for the following retail liquor licensee, to wit:

(Name of Licensee) (Address of licensed premises)

Notice is hereby given that written protests to the issuance of automatic renewal of license, specifying reasons for such protests, may be filed by ~~any resident~~ residents of the city (village or county, as the case may be) on or before February 10, 19. . . ., or August 10, 19. . . ., with the Nebraska Liquor Control Commission as prescribed in section 53-133, and ~~in the office of the city (village or county, as the case may be) clerk;~~ that in the event protests are filed by three or more such persons, ~~hearing will be had~~ hearings may be held to determine whether continuation of ~~said~~ such license should be allowed.

(Name)

City (village or county, as the case may be)
Clerk

The city, village, or county clerk, as the case may be, shall file or cause to be filed with the Nebraska Liquor Control Commission proof of publication of ~~said~~ such notices on or before February 10 or August 10 of each year.

In the event written protests are filed pursuant to this section by ~~three or more~~ residents of the city, village, or county, as the case may be, against ~~said~~ such license, ~~the city, village or county clerk, as the case~~

~~may be, shall deliver the same to the local governing body who shall request~~ the Nebraska Liquor Control Commission ~~to~~ may require the licensee to submit an application prior to March 5 of the year that the license currently held by the licensee expires for each retail liquor, wine, or beer license, except class C licenses which shall submit an application prior to September 5 of the year that the class C license expires.".

3. On page 22, line 4, strike "8" and insert "9".

4. On page 24, line 21, strike "and" and after the second comma insert "and 53-135.01,".

5. Renumber original sections 8 to 11 as sections 9 to 12 respectively.

Mr. DeCamp and Mrs. Apking asked unanimous consent to print the following amendment to LB 936 in the Journal. No objections. So ordered.

Section 1. Sections 1 to 17 of this act shall apply to all police officers of a city of the first class.

Section 2. For the purposes of sections 1 to 17 of this act, unless the context otherwise requires:

(1) Regular interest shall mean the net rate of interest earned each calendar year commencing January 1, 1983, as determined by the retirement committee in conformity with actual and expected earnings on its investments;

(2) Regular pay shall be defined as the average pay of such police officer for the five years preceding the date such police officer elects to retire or his death whichever is earlier;

(3) Salary shall mean all amounts paid to a participating police officer by the employing city for personal services as reported on the participant's federal income tax withholding statement;

(4) Retirement committee shall mean the retirement committee created pursuant to section 14 of this act;

(5) Retirement value shall mean the accumulated value of the police officer's employee account and employer account;

(6) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the retirement committee in order to provide the benefits described in this act; and

(7) Straight life annuity shall mean an ordinary annuity payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind.

Section 3. A police officer shall be credited with all years of his or her service after the year 1965 for the purpose of determining vested retirement benefits under this act.

Section 4. Commencing on January 1, 1983, each city of the first class shall keep and maintain a Police Officers Retirement System Fund for the purpose of investing payroll deductions and city contributions to the retirement system established pursuant to this act. Upon the passage of this act all of the contributions made by an officer prior to the passage of this act will be transferred to the officer's retirement fund. Regular interest will begin to accrue on the contributions transferred into the fund. Such funds shall be invested in the manner prescribed in section 16 of this act.

Section 5. Each police officer participating in the retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of his or her salary. Such payment shall be made by regular payroll deductions from his or her periodic salary and shall be credited to his or her employee account on a monthly basis. Each such account shall also be credited with regular interest.

Section 6. Each city of the first class with police officers participating in a retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of each such participating police officer's periodic salary. Such payment shall be contributed as provided in section 5 of this act for employee contributions and shall be credited to his or her employer account on a monthly basis. Each such account shall also be credited with regular interest.

Section 7. (1) At any time before the retirement date, the retiring police officer may elect to receive his or her pension benefit either in the form of a straight life annuity or any optional form of annuity benefit specified in the group annuity contract. The retiring police officer may further elect to defer the date of the first payment to the first day of any specified month prior to age seventy. In any case, the amount of the pension benefit shall be the amount purchased or otherwise provided by the retirement value as of the date of the first payment. All officers employed at the time of the passage of this act will receive at retirement the greater of (a) fifty per cent of his or her regular pay when he or she shall have served in the police department for a period of twenty-one years and have attained the age of sixty or in the alternative receive forty per cent of his or her regular pay when he or she shall have served twenty-five years and reached the age of fifty-five; or (b) the accumulated funds along with regular interest which have been contributed by the city and the employee and which have been credited to the employee's account.

(2) Any retiring police officer whose pension benefit is less than twenty-five dollars per month on the straight life annuity option shall be paid a lump sum settlement equal to the retirement value in lieu of an annuity.

Section 8. (1) (a) A police officer of a city of the first class may elect to retire and receive a pension benefit based on his or her full retirement value upon the attainment of age sixty;

(b) A police officer of a city of the first class may elect to take early retirement if he or she has attained the age of fifty-five and has completed twenty-five years of service; or

(c) A police officer may retire as a result of disability, as determined under section 11 of this act, at any age.

(2) A police officer who is eligible to retire pursuant to subdivision (1) (a) of this section but does not, shall continue to contribute to his or her employee account and the city shall continue to contribute to his or her employee account.

(3) The first of the month immediately following the last day of work shall be the retirement date.

Section 9. When prior to retirement, any police officer participating in the retirement system established pursuant to this act shall die other than in the line of duty the entire retirement value shall be payable to the beneficiary specified by the deceased police officer prior to his or her death, or to the deceased police officer's estate in the event that no beneficiary was specified. The retirement value may be received by the beneficiary in the form of a single lump sum payment, straight life annuity, or any other optional form of benefit specified in the group annuity contract. If any police officer currently in the employment of any such city as a member of its paid police department, except those who shall have been formerly employed in such department who are now in military service, shall die other than in line of duty after becoming fifty-five years of age and before age sixty, and after serving in the paid police department of such city for at least twenty-one years, then a pension of at least twenty-five per cent of his regular pay as hereinbefore defined shall be paid to the widow or minor children of such deceased police officer. In such case the retirement value of the officer's retirement account who died before the age of fifty-five years and sixty will be retained by the city.

Section 10. In case of death, while in the line of duty, of any police officer or in case death is caused by or is the result of injuries received while in line of duty, then the regular retirement pension of fifty per cent of the average pay for the five years preceeding the officer's death shall be paid to the widow, or upon her remarriage or death, to his minor child or children during said child or children's minority subject to deduction of the amounts paid under the Nebraska Workmen's Compensation Act on account of death, as provided in Section 13.

Section 11. In case any such police officer shall become permanently and totally disabled from accident or other cause, while in the line of duty, and said police officer because of such disability is unable to resume the duties he or she was performing at the time of injury, such police officer shall forthwith be placed upon the roll of pensioned police officers at the regular retirement pension of fifty per cent of regular pay, as defined in section 2. In case of temporary total disability of a police officer received while in line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then the salary shall cease and he or she shall be entitled to the benefits of the foregoing provisions with reference to pensions in case of total and permanent disability. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Nebraska Workmen's Compensation Act.

Section 12. Notwithstanding any prior provisions of this act, no police officer shall be entitled during any period of temporary disability to receive in full both his or her salary and his or her benefits under the Nebraska Workmen's Compensation Act. All Nebraska Workmen's Compensation Act benefits shall be payable in full to such police officer as provided in such act, but all amounts paid by the city or its insurer under this act to any disabled police officer entitled to receive a salary during such disability shall be considered as payments on account of such salary and shall be credited thereon. The remaining balance of such salary, if any, shall be payable as otherwise provided in this act.

Section 13. In the event a police officer quits or is discharged, the officer may request and receive as a lump sum all of the contribution he or she has made toward his or her employee account including regular interest earned from the date of this act. In lieu of receiving a lump sum the officer may elect to receive a deferred pension benefit. In addition to the employee's contribution the officer shall receive from the city the vested portion of the city's contribution with regular interest subject to the below vesting schedule. An officer who is employed at the time of the passage of this act shall receive, when he or she quits or is discharged from the city, an amount equal to the employee's contributions subject to the following vesting schedule. If the terminated police officer has been a member of the system for less than four years, such vesting shall be nil. If the terminating officer has been a member of the paid department of the city of the first class for at least four years, such vesting percentage shall be forty per cent. Such vesting percentage shall be fifty per cent after five years, sixty per cent after six years, seventy per cent after seven years, eighty per cent after eight years, ninety per cent after nine years, and one hundred per cent after ten years. All police officers will be one hundred per cent vested at retirement age. This vested amount must be taken as a deferred pension benefit payable on the first of the month immediately following his or her sixtieth birthday. At the option of the terminating officer, such pension benefit may be paid as of the first of the month after such member attains the age of fifty-five. Such election may be made by the officer anytime prior to the payment of the pension benefits. The retirement value shall consist of the accumulated value at the time of payment of the employee account together with a vested percentage of the employer account.

Section 14. A retirement committee shall be established to supervise the general operation of the retirement system established pursuant to this act. The governing body of the city shall continue to be responsible for the general administration of such retirement system unless specific functions or all functions with regard to the administration of the retirement system are delegated, by ordinance, to the retirement committee.

Section 15. Each retirement committee established pursuant to section 14 of this act shall consist of members from both the police force and designees of the city council. The committee shall consist of six members of which four members shall be selected by the officers from the police force of the city. Two members shall be designated by the city council. The members who are not participants in such retirement system shall have a general knowledge of retirement plans. Members of the governing body of such city may serve on the retirement committee. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his or her predecessor. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.

Section 16. The funds of the retirement system shall be invested by the governing body of the city, subject to the approval of the retirement committee unless full authority for investing is delegated by ordinance to the retirement committee. The city or committee shall contract with an insurance company, trust company, or other financial institution.

Section 17. It shall be the duty of the retirement committee to;

(1) Provide each employee a summary of plan eligibility requirements and benefit provisions;

(2) Provide, within thirty days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;

(3) Make available for review an annual report of the system's operations describing both (a) the amount of contributions to the system from both employee and employer sources and (b) an identification of the total assets of the retirement system; and

(4) To have an analysis made of the investment return that has been achieved on the assets of the retirement system administered by the committee. Such analysis shall be prepared as of January 1, 1988, and each five years thereafter. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system.

Section 18. For purposes of subdivision (2) of section 77-3424, new program shall include all contributions by a city of the first class to a retirement system established pursuant to sections 1 to 17 of this act, for one calendar year after January 1, 1983.

Section 19. That original Sections 16-330, 16-331, 16-332, 16-333, 16-334, 16-335, 16-336, 16-336.01 and 16-337, Reissue Revised Statutes of Nebraska, 1980, are repealed.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all lobbyists who have registered as of February 24, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brown, Ralph (Skip) - Omaha, MOA/AIOA & SUBS, Inc. Delaware
Dickinson, James A. - Omaha, (withdrawn 1-1-82), Nebraskan's for Progressive Agriculture
Kratville, Michael B. - Lincoln, (withdrawn 2-23-82), Students for University of Nebraska-Lincoln
Lenihan, John E. - Omaha, United of Omaha Life Insurance Co.
Lombardi, Richard Austin - Lincoln, McCullough, Rose A., & Assoc.
McCullough, Rose A., & Assoc. - Lincoln, Save the Niobrara River Association
Rasmussen, Dennis - Lincoln, Association for Better Financial Services in Nebraska, Inc. (withdrawn 5-30-81); Gemini Corporation; Mid-America Lumbermens Association (withdrawn 5-30-81)
Tiehen, Judith - Lincoln, (withdrawn 6-1-81), Nebraska Coalition for life

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 456. Placed on General File as amended.
Standing Committee amendments to LB 456:
Req. #2672

1. Strike the original sections and insert new sections as follows:

"Section 1. It is the purpose of this act to:

(1) Adopt and promulgate a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures in Nebraska;

(2) Provide state standards to safeguard life, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, and maintenance of all buildings and structures within this state and certain equipment specifically regulated by this act;

(3) Provide for the use of modern and innovative methods, devices, materials, and techniques in the design and construction of buildings and other structures; and

(4) Provide for a building code which is applicable across the State of Nebraska.

Sec. 2. For purposes of this act, unless the context otherwise requires, the definitions found in sections 3 to 8 of this act shall be used.

Sec. 3. Building official shall mean a person charged by a political subdivision with responsibility for the administration and enforcement of the state building code within the jurisdiction of the political subdivision.

Sec. 4. Inspector shall mean a person acting under the authority and direction of a building official and charged with the responsibility for routine enforcement of the state building code.

Sec. 5. Local appeals board shall mean the board established by a political subdivision to hear, review, and issue decisions on appeals filed by any person aggrieved by any decision of the building official or an inspector of the political subdivision.

Sec. 6. Political subdivision shall mean any city or county in Nebraska except villages and cities of the second class.

Sec. 7. State building code shall mean the code adopted by reference pursuant to section 8 of this act.

Sec. 8. (1) There is hereby created the state building code. The Legislature hereby adopts, by reference:

(a) The Uniform Building Code, 1979 edition, the Uniform Building Code Standards, 1979 edition, and the

1981 Accumulative Supplement to the Uniform Building Code and the Uniform Building Code Standards, 1981 edition, published by the International Conference of Building Officials; and

(b) The One and Two Family Dwelling Code, 1979 edition, Parts I, II, III, and VII, promulgated jointly by the International Conference of Building Officials, the Building Officials and Code Administrators International, Inc., and the Southern Building Code Congress International, Inc., which shall only be aplicable to one and two family dwellings not more than three stories in height and their accessory structures.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code, except as amended pursuant to this act.

(3) All state agencies shall comply with the state building code and no rule or regulation of any state agency may conflict with the state building code.

Sec. 9. The provisions of the state building code shall apply to the construction, alteration, moving, demolition, repair, and use or occupancy of any building or structure within Nebraska for which a building permit is required by the state building code. Additions, alteration, or repairs may be made to an existing building or structure without requiring the existing building or structure to comply with the requirements of the state building code, except that the addition, alteration, or repair shall conform to the state building code. Mobile homes and recreational vehicles constructed pursuant to sections 71-4601 to 71-4620 and manufactured housing units constructed pursuant to sections 71-1555 to 71-1567 shall be exempt from the requirements of this act. Buildings and structures utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products annually shall be exempt from the requirements of this act, if such buildings and structures are not used for residential purposes and are not used by the public.

Sec. 10. The state building code shall be applicable throughout the state. After July 1, 1983, no political subdivision may enact or enforce any ordinance, rule, or regulation which adopts a building or construction code other than the state building code.

Sec. 11. Any political subdivision may elect to administer and enforce the state building code pursuant to the provisions of this act and sections 14-415, 15-905, 18-132, 19-922, and 23-172. When a political subdivision makes such an election, the governing body of such political subdivision shall, unless other means are already provided, appoint a building official to administer and enforce the state building code. A building official shall, in the political subdivision for which he or she is appointed, attend to all aspects of code enforcement, including the issuance of all building permits and certificates of occupancy or use. Two or more political subdivisions may combine to administer and enforce the state building code or to appoint a building official, a plans examiner, an inspector, or an appeals board. Political subdivisions enforcing the state building code shall require compliance with the code and any local amendments thereto for all buildings and structures within their jurisdiction.

Sec. 12. Any political subdivision electing to administer and enforce the state building code shall, within the jurisdiction of the political subdivision:

(1) Provide inspections and other services necessary to administer and enforce the state building code as well as any local amendments to the state building code;

(2) Review plans and specifications submitted to it pursuant to the state building code;

(3) Grant variances from the state building code when those materials or designs being substituted will satisfy the intent and goals of the state building code; and

(4) Collect fees for inspections, permits, and other services provided by the political subdivision to pay for the expenses of the political subdivision pursuant to this act.

Sec. 13. Any political subdivision, electing to enforce the state building code, may:

(1) Employ and fix the compensation of such persons, including building officials and inspectors, as may be required to fulfill its duties;

(2) Provide upon request such additional voluntary inspections and reviews as it deems appropriate;

(3) Enter into contracts or agreements to administer and enforce the provisions of the state building code; and

(4) Enact or enforce any ordinance, rule, or regulation:

(a) Adopting administrative amendments to the state building code adopted by reference which are necessary for the proper administration and enforcement of the code by the political subdivision, except that the amendments shall be published separately from the state building code;

(b) Adopting amendments which alter the standards required by the state building code, except that the amendments shall be published separately from the state building code; and

(c) Fixing any permit, inspection, or other fees, if the fees are reasonable, and do not exceed the funding necessary to pay for the expenses of administering and enforcing the provisions of the state building code by the political subdivision.

Sec. 14. Any inspector authorized by law to determine compliance with the requirements of the state building code under this act is authorized, in the performance of his or her normal duties, to require any person who is engaged in any activity regulated by the state building code to demonstrate proof of compliance with the requirements of the state building code.

Sec. 15. Any person may report a suspected violation of the state building code, which poses an imminent threat to public health and safety, to the local building official. The complaint shall, upon request, be in writing. The local building official shall provide for the disposition of frivolous or harrassing complaints by requiring descriptions of the alleged violation. A copy of the complaint shall be given to the contractor, building owner, and subcontractor, if any, involved in the alleged violation.

Sec. 16. Any person aggrieved by a decision of a local building official or a local inspector may file a written notice of appeal with the local appeals board. Any final decision of a local appeals board may be appealed to a court of competent jurisdiction, which may be municipal court, county court, or district court.

Sec. 17. Building permits or certificates of use or occupancy validly issued before July 1, 1983, regarding buildings or structures being constructed or altered pursuant thereto, shall be valid after such date and the construction may be completed pursuant to the building permit, unless the inspector determines that life or property is in jeopardy.

Sec. 18. A person shall not:

(1) Violate or aid or abet in the violation of any final order concerning the application of a provision of the state building code in a particular case made by a local appeals board, a local building official, or local inspector; or

(2) Engage in or aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label, or other formal authorization is required pursuant to this act without first having obtained such permit, certificate, label, or other formal authorization.

Sec. 19. Any local building official may bring such an action in any court of competent jurisdiction, which may be a municipal, county, or district court.

Sec. 20. A person violating any provision of this act shall be guilty of a Class IV misdemeanor. In the case of a continuing violation, each day shall constitute a separate offense.

Sec. 21. This act shall be known and may be cited as the Building Construction Act.

Sec. 22. This act shall become operative on July 1, 1983, except that necessary actions preparatory to its implementation shall be taken prior to such date.

Sec. 23. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendment to LB 835:
Req. #2683

1. Strike section 1 and insert the following new section:

"Section 1. Each hospital, as defined in subdivision (2) of section 71-2017.01, shall, upon written request of a patient or third-party payor on behalf of a patient, include in such patient's or payor's bill an itemized list of all expenses such patient incurred during his or her hospital stay. Such expenses shall include, but not be limited to, the cost of (1) X-rays, (2) laboratory fees, (3) respiratory therapy services, (4) oxygen, (5) pharmaceuticals, (6) take-home drugs, (7) chargeable medical supplies, (8) central service supplies, (9) medical equipment, (10) room and board, and (11) all additional charges incurred by the patient. The patient or payor shall receive a copy of the itemized bill within fourteen days after the hospital receives the request. Such request shall be made by the patient or payor within twenty-eight days after the date of discharge.".

LEGISLATIVE BILL 830. Indefinitely postponed.
LEGISLATIVE BILL 884. Indefinitely postponed.
LEGISLATIVE BILL 906. Indefinitely postponed.

(Signed) Samuel K. Cullan, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 230.

Introduced by Wesely, 26th District.

WHEREAS, the Girl Scouts of the United States of America will observe the 70th anniversary of its founding on March 12th, 1982; and

WHEREAS, the theme of the observance is entitled "The Gift of Water"; and

WHEREAS, since its founding the Girl Scouts has worked to emphasize the wise use of our natural resources; and

WHEREAS, the efforts and activities of this great organization of almost three million girls and women, working together in a national and international movement, has had and will continue to have an impact on the welfare of the nation and of the world; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of Nebraska from March 7th through the 13th;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the week of March 7th through the 13th of 1982 shall be and is hereby designated as Girl Scout Week in the State of Nebraska.
2. The Nebraska Legislature calls upon all citizens of Nebraska to support the Girl Scouts and their work to achieve the great goal of preservation of our natural resources for the people of our state and nation.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 685, 834, 139, and 139A.

MOTION - Return LB 304 to Select File

Messrs. Carsten and Warner renewed their pending motion to return LB 304 to Select File for a specific amendment found in this day's Journal.

Mr. DeCamp moved to lay over LB 304 until all appropriation bills have been passed on Final Reading.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a ruling of the Chair on whether the Carsten-Warner amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending motion to lay over LB 304. No objections. So ordered.

Mr. Carsten requested a roll call vote on the motion to return LB 304.

Voting in the affirmative, 19:

Barrett
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Landis
Marsh
Rumery
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 22:

Apking
Beutler
Beyer
Burrows
DeCamp
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Labedz
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Wiitala

Present and not voting, 5:

Chambers
Chronister
Duda
Goodrich
Wesely

Excused and not voting, 3:

Fowler
Koch
Lamb

The motion to return lost with 19 ayes, 22 nays, 5 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to require public notice of meetings; to authorize adjustments in tax rates as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Fowler
Koch
Lamb

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 353. With Emergency.

A BILL FOR AN ACT to amend sections 43-284 and 43-287, Revised Statutes Supplement, 1981, relating to juvenile courts; to provide powers and duties of the Department of Public Welfare; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Dworak
Kilgarin

Excused and not voting, 3:

Fowler
Koch
Lamb

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 410 to Select File

Mr. Landis moved to return LB 410 to Select File for the Landis specific amendment found in the Journal on page 838.

The motion to return prevailed with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 410. The Landis specific amendment found in the Journal on page 838 was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 417 to Select File

Mr. Cullan moved to return LB 417 to Select File for the following specific amendment:

(Amendments to Second Final Reading Copy)

1. On page 2, strike lines 17 through 27, show the old matter as stricken, and insert the following: "combines eighteen feet or less in width, while in the

normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, (4) combines in excess of eighteen feet in width, while in the normal course of farm operations and while being driven during daylight hours for distances of twenty-five miles or less on highways and while preceded by a well-lighted pilot vehicle or flag person, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flag person during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, (5) combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation,”.

2. On page 3, strike line 1.

The motion to return prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 417. The Cullan specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 421.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for reporting and investigation of violations by professional licensees; to provide for confidentiality of records; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 17:

Burrows
Clark
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Marvel
Newell
Peterson, H.
Remmers
Rumery
Schmit
Wagner
Warner
Wesely

Voting in the negative, 29:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
Cullan
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Kilgarin
Lamb
Landis
Marsh
Nichol
Peterson, R.
Pirsch
Sieck
Stoney
Vickers
Von Minden
Wiitala

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Fowler
Koch

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 431. With Emergency.

A BILL FOR AN ACT to amend section 53-123.01, Reissue Revised Statutes of Nebraska, 1943, and section 53-123.02, Revised Statutes Supplement, 1980, relating to liquors; to authorize samples of beer and alcoholic liquors as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Beutler
Burrows
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Schmit
Sieck
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 12:

Apking
Barrett
Beyer
Carsten
Chambers
Goll
Kremer
Peterson, H.
Rumery
Stoney
Vickers
Wesely

Present and not voting, 2:

Marvel
Peterson, R.

Excused and not voting, 2:

Fowler
Koch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 215. The Landis specific amendment found in this day's Journal was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 653. Placed on General File as amended. Standing Committee amendments to LB 653:

1. On page 2, line 5, reinstate "buses" and strike "transportation vehicles" and insert "or vans owned, leased, or contracted by the school or district"; strike beginning with "whether" in line 6 through the comma in line 7 and show as stricken; in line 13 reinstate "bus" and strike "such vehicle" and insert "or van"; in line 17 reinstate "bus" and strike "school transportation vehicle" and insert "or van"; and in line 21 reinstate "bus" and strike "vehicle" and insert "or van".

2. On page 3, line 1, strike "of" and insert "representing"; in line 3 strike "of" and insert "representing"; in line 9 reinstate "bus" and strike "vehicle" and insert "or van"; in line 16 strike "vehicle" and insert "bus or van"; in line 20, reinstate "buses" and strike "school" and insert "or vans"; in line 21, strike "transportation vehicles"; and strike beginning with "for" in line 22 through "equipment" in line 24.

3. On page 4, line 5, strike "outside" and insert "inside"; and in lines 13, 15, and 18 reinstate "bus" and strike "vehicle" and insert "or van".

LEGISLATIVE BILL 688. Placed on General File as amended. Standing Committee amendment to LB 688:

1. On page 3, line 7, strike the new matter and reinstate the stricken matter; and in line 19, after the period insert "Section 5-108 shall apply to all Class IV school districts.".

LEGISLATIVE BILL 896. Placed on General File as amended. Standing Committee amendments to LB 896:

Req. #2717

1. Insert a new section as follows:

"Sec. 2. For purposes of section 85-962 handicapped person shall mean any individual who is eighteen years of age and older with any type of physical or mental disability that substantially impairs or restricts one or more major life activities including walking, seeing, speaking, working, and learning and also includes such individuals who are mentally retarded, hearing impaired, deaf, speech impaired, visually handicapped, emotionally disturbed, orthopedically impaired, or have exceptional learning disabilities.".

2. On page 2, lines 8 and 9 strike "over the age of eighteen" and insert "on an as needed basis".

LEGISLATIVE BILL 938. Placed on General File as amended. Standing Committee amendment to LB 938:

1. On page 3, line 10, strike "a fee" and insert "fees".

LEGISLATIVE BILL 641. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

Public Works

LEGISLATIVE BILL 608. Placed on General File.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #2726

1. Insert the following new section:

"Section 1. That section 39-664, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-664. (1) ~~The speed of any motor vehicle may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of the vehicle in any court or legal proceedings when the speed of the vehicle is at issue.~~ Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the state may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle the state must prove the following:

(a) That the measuring device was in proper working order at the time of conducting the measurement;

(b) That the measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

(c) That the person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device;

(d) That the operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, based upon a machine measurement utilizing such device at or near the situs of the arrest, and that the measuring device was found to be in proper working order;

(e) That the law enforcement officer made a visual observation of the offending vehicle and determined such vehicle to be operating in excess of the actual speed limit prior to using such radio microwave or other electronic device for corroboration; and

(f) That upon apprehension, the operator of the offending vehicle was afforded the opportunity to observe his or her recorded speed on the measuring device.

(2) The driver of any motor vehicle ~~found~~ measured by use of radio microwaves or other electronic device to be driving in excess of the applicable speed limit may be apprehended:

(a) If the apprehending officer has observed the recording of the speed of the motor vehicle by the radio microwaves or other electronic device;

(b) If such apprehending officer has received a radio message from an officer who observed the speed recorded and the radio message (i) has been dispatched immediately after the speed of the motor vehicle was recorded, and (ii) gives a description of the vehicle and its recorded speed; and

(c) If the apprehending officer is in uniform or displays his or her badge of authority.".

2. On page 6, line 13, after "section" insert "39-664, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 14, strike "is" and insert "are".

3. Renumber remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1982, at 11:10 a.m., were the following bills: 685, 834, 139, and 139A.

(Signed) Jan Loder, Enrolling Clerk

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 953. Placed on General File as amended. Standing Committee amendments to LB 953:

Req. #2670

1. On page 2, line 27, after "purposes" insert "and shall also include the slaughter of cattle which have never been the subject of a sale".

2. On page 4, strike lines 10 through 26 and insert:

"(a) District 1: The counties of Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, and Cherry;

(b) District 2: The counties of Grant, Arthur, Keith, Perkins, Chase, Dundy, Hooker, McPherson, Lincoln, Hayes, Hitchcock, Thomas, Logan, Frontier, Red Willow, Blaine, and Custer;

(c) District 3: The counties of Dawson, Gosper, Furnas, Harlan, Franklin, Kearney, Buffalo, Sherman, Valley, Greeley, Howard, Hall, Adams, Phelps, and Webster;

(d) District 4: The counties of Keya Paha, Brown, Rock, Loup, Garfield, Wheeler, Holt, Boyd, Knox, Antelope, Cedar, and Pierce;

(e) District 5: The counties of Boone, Madison, Stanton, Wayne, Dakota, Thurston, Cuming, Burt, Platte, Dixon, Colfax, Dodge, Washington, Douglas, and Saunders; and

(f) District 6: The counties of Nance, Merrick, Hamilton, Polk, York, Clay, Nuckolls, Thayer, Fillmore, Saline, Jefferson, Seward, Butler, Lancaster, Gage, Sarpy, Cass, Otoe, Johnson, Pawnee, Richardson, and Nemaha.''.

3. On page 5, strike lines 1 through 4, in lines 7, 9, 17, and 19 strike ''three'' and insert ''four''; in line 10 strike ''three-year'' and insert ''four-year''; in line 14 after ''from'' insert ''the even numbered'' and strike ''1 and 4''; strike line 15; in line 16 strike ''5 shall'', strike the comma, and after ''from'' insert ''the odd numbered''; in line 17 strike ''3 and 6''; in line 20 strike ''within'' and insert '', at the first general election held more than''; and in line 21 after ''act'' insert an underscored comma.

4. On page 8, strike beginning with the underscored comma in line 19 through ''Legislature'' in line 20.

5. On page 10, line 6, after ''development'' insert ''program''.

6. On page 15, line 7, after ''act'' insert '', except that the Secretary of State shall be reimbursed from the fund for the actual expense incurred in conducting the election required pursuant to section 6 of this act''; in line 12 strike ''shall not'' and insert ''may''; and in line 13 strike ''but shall'' and insert ''or may''.

7. On page 16, line 4, after ''shall'' insert ''be paid separate from any brand inspection fees and shall''.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

Add the following sections:

Section 25. That section 18-2413 Revised Statutes Supplement 1981, be amended to read as follows:

18-2413. Power project shall mean any plant, works, system, facilities, and real and personal property of any nature whatsoever, together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission, conservation, transformation, distribution, purchase, sale, exchange, or interchange of electric power and energy, or any interest therein or right to capacity thereof, any energy conservation system or device for reducing the energy demands or any interest therein, and the acquisition of energy sources or fuel of any kind, for any such purposes, including, without limitation, facilities for the acquisition, transformation, collection, utilization, and disposition of nuclear fuel or solar, geothermal, or wind energy, ~~and~~ the acquisition or construction and operation of facilities for extracting fuel including agricultural ethyl alcohol from natural deposits or agricultural products, for converting it for use in another form, for burning it in place, or for transportation and storage, and the making of loans to incorporated participating municipalities in the agency in connection with the above projects.

Section 26. That section 18-2438 Revised Statutes Supplement 1981, be amended to read as follows:

18-2438. The board of directors of an agency may create an executive committee the composition of which shall be set forth in they bylaws of the agency. The executive committee shall have and shall exercise the powers and authority of the board of directors during intervals between the board's meetings in accordance with the board's bylaws, rules, motions, or resolutions. The terms of office of the members of the executive committee and the method of filling vacancies shall be fixed by the bylaws of the agency. The board may create one or more project committees to which the board may delegate such powers and duties with respect to a project as the board shall specify, but in no event shall a project committee be empowered to authorize the issuance of bonds. The membership and voting requirements for action by a project committee shall be specified by the board taking into account the municipalities serviced by such project.

Section 27, That section 18-2441, Subsection (1) Revised Statutes Supplement 1981, be amended to read as follows:

18-2441. The powers of an agency shall include the power:

(1) To plan, develop, construct, reconstruct, operate, manage, dispose of, participate in, maintain, repair, extend, improve, or acquire by purchase, gift, lease, or otherwise, one or more projects within or outside this state and act as agent, or designate one or more other persons to act as its agent, in connection with the planning, acquisition, construction, operation, maintenance, repair, extension, or improvement of such project, except that before any power project is constructed by an agency, approval of the power project shall have been obtained from the Nebraska Power Review Board under sections 70-1012 to 70-1016~~;~~, and to make loans or advances for long term, supplemental, short term, and interim financing for both capital projects and operational purposes to incorporated participating municipalities in the agency on such terms and conditions as the board of directors of the agency may deem necessary, and to secure such loans or advances by assignment of revenues, receivables, or other sums of the incorporated municipality and such other security as the board of directors of the agency may determine;

(No change to remainder of section)

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 304, 353, and 431.

NOTICE OF COMMITTEE HEARING
Public Works

LB 969 Thursday, March 4, 1982 1:00 p.m.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Newell asked unanimous consent to print the following amendment to LB 702 in the Journal. No objections. So ordered.

1. In the Standing Committee Amendments found on page 500 of the Journal, strike amendments 2 and 3; on page 1, line 3, after the second comma, insert "except as provided in section 45-138"; and in line 8, after the second comma insert "Except as provided in section 45-138".

2. On page 9, lines 24 to 27, strike the new matter and insert "A borrower may also be required to pay a nonrefundable loan origination fee not to exceed the

lesser of five hundred dollars or an amount equal to seven per cent of that part of the original principal balance of any loan not in excess of two thousand dollars and five per cent on that part of the original principal balance in excess of two thousand dollars.".

3. On page 10, strike beginning with "No" in line 7 through "indirectly" in line 8, show as stricken, and insert "Licensees may"; in line 8, strike "a greater", show as stricken, and insert "any amount,"; in line 9, strike "than the maximum rate", show as stricken, and insert ", or charge, or exercise any powers"; and in line 13 after the stricken period insert "On and after October 1, 1985, licensees may charge, contract for, or receive any amount, rate of interest, or charge or exercise any powers permitted by section 45-101.03, 45-101.04, or 45-137 upon any loan or upon all or any part of any aggregate indebtedness of the same person.".

VISITORS

Visitors to the Chamber were Tom Grein from Fremont; Henry and Lorraine Wasserburger; John Barstow from Hancock, Michigan; 54 students and teacher from District 20, Ashland; Dennis Kahl, Don Seigler, and members of the Extension Board from Butler, Polk, and Colfax Counties; 26 students and 4-H students and sponsor from Cuming, Burt, Washington, and Dodge Counties; and 33 seniors, sponsors, and teachers from Burwell High School.

ADJOURNMENT

AT 12:07 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:30 a.m., Monday, March 1, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 1, 1982

Pursuant to adjournment, the Legislature met at 9:33 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused; and Mesdames Higgins, Labedz, Messrs. Burrows, Chambers, Newell, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

ANNOUNCEMENT

President Luedtke announced today is Dr. Palmer's birthday.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 358. Placed on General File as amended. Standing Committee amendments to LB 358:

Req. #2732

1. Strike the original section and insert the following new sections:

"Section 1. That section 45-101.03, Revised Statutes Supplement, 1980, be amended to read as follows:

45-101.03. Except as provided in ~~section~~ sections 45-101.04 and section 3 of this act, any rate of interest which may be agreed upon, not exceeding eighteen per cent per annum on the unpaid principal balance for the period commencing on the effective date of this act through September 30, 1985, and thereafter not exceeding sixteen per cent per annum on the unpaid principal balance, shall be valid upon any loan or forbearance of money, goods, or things in action and may be taken yearly, for any shorter period, or in advance, if so expressly agreed.

Sec. 2. That section 45-101.04, Revised Statutes Supplement, 1980, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to subsection (4) of section 8-319, sections 8-401 to 8-417, 8-815 to 8-823, 8-825 to 8-829, 21-1760 to 21-1764, 21-1766 to 21-1796, 21-1799 to 21-17,108, 21-17,110 to 21-17,119, 45-114, 45-116 to 45-140, or 45-142 to 45-155;

(2) Loans made to any corporation, partnership, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, or trust;

(4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (12) of section 8-1101, pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;

(7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and one half per cent, per month for the period commencing on the effective date of this act through September 30, 1985, and thereafter, do not exceed one and one-third per cent per month; ~~for any charges which remain unpaid for more than thirty days following rendition of the statement of account;~~

(8) A minimum charge of ten dollars per loan

which may be charged by the lender in lieu of all interest charges; or

(9) Loans described in subsection (4) of section 8-319 made by a state or federal savings and loan association at a rate not to exceed nineteen per cent per annum.

Sec. 3. No interest shall be charged on an open credit account unless the person buying the goods or receiving the services signs a written statement agreeing to establish the open credit account and to pay any interest which may be charged on such account not to exceed the rate provided in subdivision (7) of section 45-101.04.

Sec. 4. That section 45-207, Revised Statutes Supplement, 1980, be amended to read as follows:

45-207. Notwithstanding the provisions of any other law the seller or assignee under a revolving charge agreement may charge, receive, and collect a time price differential which shall not exceed the following rate: One and three-quarters per cent per month for the period commencing on the effective date of this act through September 30, 1985, and thereafter at the rate of one and three-quarters per cent per month on amounts less than five hundred dollars~~,~~ and one and one half per cent per month on amounts of five hundred dollars or more. The rate shall be computed on the unpaid balance under the agreement from month to month, which need not be a calendar month, or other period as agreed. Such time price differential shall be computed on not more than the unpaid average daily balance including purchases made during ~~at the beginning of~~ the period for which the statement is rendered. No time price differential shall be charged in a period in which the balance at the beginning of the period is paid in full.

Sec. 5. That section 45-338, Revised Statutes Supplement, 1980, be amended to read as follows:

45-338. (1) Notwithstanding the provisions of any other law, the time price differential for any goods or services sold under an installment contract shall not exceed twenty-one per cent per annum for the period commencing on the effective date of this act through September 30, 1985, and thereafter at a rate of eighteen per cent per annum, except that an installment sales contract primarily for agricultural, commercial, investment, or business purposes may be made at the rate agreed upon by the parties; Provided, a minimum time price differential of ten dollars may be charged on any installment contract. Nothing in sections 45-334 to 45-353 shall prohibit a seller or holder of an installment contract from contracting for, computing, and charging a time price differential based upon the application of the rate charged to the unpaid principal balance for the number of days actually elapsed, and the charges so computed shall be used for the purpose of calculating the time price differential, the time price balance, the amount of each installment, and the time sale price. When the installment contract is payable in substantially equal and consecutive monthly installments, the time price differential shall be computed on the basic time price of each contract, as determined under the provisions of section 45-336, from the date of the contract until the due date of the final installment, notwithstanding that the time price balance is required to be paid in installments.

(2) When an installment contract provides for payment other than in substantially equal and consecutive monthly installments, the time price differential may be at a rate which will provide the same return as is permitted on substantially equal monthly payment contracts under subsection (1) of this section, having due regard for the schedule of payments.

(3) Every contract payable in two or more installments shall provide for payment of such installments at approximately equal periodic intervals of time and be so arranged that no installment is substantially greater in amount than any preceding installment; Provided, that in order to facilitate payment in accordance with the buyer's seasonal or intermittent income a contract may reduce or omit payments over any period or periods in which the buyer's income is reduced or suspended.

Sec. 6. That original sections 45-101.03, 45-101.04, 45-207, and 45-338, Revised Statutes Supplement, 1980, are repealed.".

2. In the title, strike lines 2 through 4 and insert:

"FOR AN ACT to amend sections 45-101.03, 45-101.04, 45-207, and 45-338, Revised Statutes Supplement, 1980, relating to interest; to change interest rates as prescribed; to provide for a written statement for certain accounts; to provide an exception to an interest rate as prescribed; and to repeal the original sections.".

(Signed) John W. DeCamp, Chairperson

Education

LEGISLATIVE BILL 578. Placed on General File as amended. Standing Committee amendment to LB 578:

1. On page 2, line 6, strike "fees"; in line 7, strike "therefor" and insert "general fees of the institution, except for courses or programs which are required or designed to be self-supporting"; strike beginning with "and" in line 11 through "class" in line 12; and in line 12 after the period insert "Each postsecondary institution subject to this section shall adopt and promulgate rules and regulations for implementation of this act.".

(Signed) Jerry D. Koch, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 921. Placed on General File.

LEGISLATIVE BILL 594. Indefinitely postponed.
LEGISLATIVE BILL 624. Indefinitely postponed.
LEGISLATIVE BILL 795. Indefinitely postponed.
LEGISLATIVE BILL 844. Indefinitely postponed.
LEGISLATIVE BILL 871. Indefinitely postponed.
LEGISLATIVE BILL 872. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 799. Placed on General File as amended. Standing Committee amendments to LB 799:

1. On page 10, line 13, after "structure" insert ", renovated building, or addition".
2. On page 16, line 9, strike "contribution" and insert "combination"; and in line 18, after "applications" insert "and shall make an equitable geographic distribution of grants as nearly as possible among the congressional districts provided in section 5-101.01".

(Signed) John W. DeCamp, Chairperson

Public Works

LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 152. Indefinitely postponed.
LEGISLATIVE BILL 222. Indefinitely postponed.
LEGISLATIVE BILL 348. Indefinitely postponed.
LEGISLATIVE BILL 508. Indefinitely postponed.
LEGISLATIVE BILL 527. Indefinitely postponed.
LEGISLATIVE BILL 771. Indefinitely postponed.
LEGISLATIVE BILL 772. Indefinitely postponed.
LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 215.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1982, at 1:55 p.m., were the following bills: 353, 304, and 431.

(Signed) Jan Loder, Enrolling Clerk

MESSAGE FROM THE GOVERNOR

February 25, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 440 was received in my office on February 19, 1982.

This bill was signed by me on February 25, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

NOTICE OF COMMITTEE HEARING
Rules

Rule Change proposed by Senator Vickers
Tuesday, March 16, 1982 12:00 noon

(Signed) Don Wesely, Chairperson

ATTORNEY GENERAL'S OPINIONS

Opinion No. 202
February 22, 1982

Dear Senator DeCamp:

You have called our attention to LB 898, and have asked whether we would defend it in the courts, if you can get it enacted. We are not in a position to give you a categorical answer, because it would be necessary to evaluate a great deal of evidence about the validity of the underlying rationale of the bill before we could reach a firm decision.

LB 898 would amend Neb.Rev.Stat. §§77-3606 to 77-3608 and 77-3610 (Supp. 1981), and repeal Neb.Rev.Stat. §§77-3611 to 77-3615 (Supp. 1981). The amendments would extend for another fiscal year the method of distribution of $70,000,000 in state aid to political subdivisions. This method is currently scheduled to terminate at the end of this fiscal year.

The provisions to be amended were a part of LB 284, passed in 1981. They base the distributions to the counties, for later distribution to the political subdivisions within each county, upon the assessed valuation in each county of agricultural real estate, commercial-industrial real estate, and suburban-residential real estate. One million dollars is to be distributed each year and proportioned to suburban-residential real estate, $37,977,600 in proportion to agricultural real estate, and $31,022,400 in proportion to commerical-industrial real estate.

We discussed these provisions in Opinion No. 62 to Senator Carsten dated March 31, 1981. We said in that opinion that we would be willing to attempt to defend those provisions, which were scheduled to expire at the end of this fiscal year. We did so because the distribution was designed to be a replacement of taxes lost because of the exemption of certain classes of personal property, that there arguably could be a rough correlation between the amount of agricultural real estate in a county and the agriculturally-related exemptions claimed in that county, and the same correlation between commercial-industrial real estate and business inventories.

The amounts to be distributed on the basis of agricultural real estate and of commercial-industrial real estate were determined by using the three-year average from 1975 to 1977 of agricultural exemptions and business inventory exemptions. In order to justify using this three-year average, it is necessary to assume that the percentages established by that average continue at about the same levels. This, of course, runs into the "frozen classification" problem which was the basis of the court's invalidating LB 882 in State ex rel. Douglas v. Marsh, 207 Neb. 598 (1980). The more remote the basis for the classification, the more suspect it is. The bill would attempt to distribute the money on the basis of a period which ended five years before the distribution. The court might well hold this too remote.

Further, of course, we said in our opinion to Senator Carsten that LB 284 presented numerous difficult questions, and that we could not predict with any assurance what the court would say when confronted with them. A county attacking the bill might, for example, undermine the entire rationale of the distribution by proving that there was not, in fact, any particular correlation between assessed valuations of the various kinds of real estate involved in a county and the amount of personal property exemptions claimed in that county for the years 1975-77.

In short, the qualms we had about LB 284 have not lessened, and LB 898 adds to them by increasing the danger of a "frozen classification" ruling. Unless a factual investigation showed we had no reasonable hope of successfully defending the bill, we would probably attempt to do so, but we would be apprehensive about the result, particularly in view of the chaos which would result from a failure.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/m3
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 203
February 18, 1982

Dear Senator Cullan:

You have requested the opinion of this office regarding whether the provisions of LB 525 violate the Fifth Amendment of the United States Constitution. Said bill provides as follows:

> Whenever a witness refuses on the basis of his or her privilege against self-incrimination, to testify or to provide other information in a criminal proceeding before a court or grand jury, the court, on motion of the prosecutor, may order the witness to testify or to provide other information. The witness may not refuse to comply with such an order of the court on the basis of his or her privilege against self-incrimination, but no testimony or other information compelled under the court's order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, giving a false statement, or failing to comply with the order of the court.

It is well established that in order for a grant of immunity to be adequate, the scope of the immunity must be coextensive with the scope of the Fifth Amendment privilege against self-incrimination. Thus, legislation cannot replace this constitutional privilege unless it is broad enough to have the same scope and effect. Murphy v. Water Front Commission of New York, 378 U. S. 52 (1964).

The provisions of LB 525 grant a witness who is compelled to testify immunity from the use in any criminal case of the compelled testimony or any evidence derived therefrom. These provisions are quite similar to the federal witness immunity statute, 18 U.S.C. §6002, which was challenged in Kastigar v. United States, 406 U.S. 441 (1972), as abridging the Fifth Amendment privilege against compulsory self-incrimination. The court in Kastigar, supra, specifically rejected the argument that a grant of use and derivative use immunity was inadequate as the constitution mandated a grant of transactional immunity, that is immunity from criminal prosecution for or on account of any transaction or matter concerning which a witness testifies. Rather, the Supreme Court held that a statutory grant of immunity is constitutionally adequate where a witness, in return for being compelled to testify, is granted immunity from the use in any criminal case of the compelled testimony or any evidence derived therefrom. Thus, the court in Kastigar, supra, upheld the constitutionality of 18 U.S.C. §6002 upon concluding that the immunity granted by that statute is coextensive with the Fifth Amendment privilege and suffices to replace it.

As heretofore stated, the immunity granted under LB 525 is virtually identical to that permitted under 18 U.S.C. §6002. In our opinion, based on the analysis of the court in Kastigar, supra, a court would probably hold that LB 525 is constitutionally sound as the immunity granted thereunder is coextensive with the Fifth Amendment privilege against compulsory self-incrimination.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LRF:sjr
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 204
February 24, 1982

Re: Constitutionality of Neb.Rev.Stat. §2-1504

Dear Senator Wagner:

We are responding to your letter of January 18, 1982, in which you request our opinion regarding the constitutionality of Neb.Rev.Stat. §2-1504(2) (Supp. 1980), concerning membership on the Nebraska Natural Resources Commission. You have introduced legislation to correct what you perceive may be a constitutional defect in this statutory section.

You seemed to specifically question the manner by which the statute designates who may be appointed as a member of the Nebraska Natural Resources Commission.

Neb.Rev.Stat. §2-1504 (Supp. 1980) creates the Nebraska Natural Resources Commission. Subsection (2) provides in pertinent part, "the Nebraska Natural Resources Commission shall consist of the following members: (a) One natural resources district director or former district director from each of the following river basins. . . ." It goes on to provide for additional members each of whom shall be "a director or former director of a natural resources district" except three selected by the Governor representing specific interest groups. The members of the commission representing river basins are to be selected "at individual caucuses of the natural resources district directors residing in the river basin from which the member is selected." It is therefore evident that membership on the commission is limited to directors or former directors of natural resources districts, with the exception of three members appointed by the Governor.

The Nebraska Constitution, Article IV, Section 10, relates to the appointment of persons in public offices:

> The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose

> appointment or election is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

The Legislature has an unlimited field within which to legislate, subject only to this constitutional inhibition, the initiative and referendum, and provided that the legislation is for public purpose. Power Oil Co. v. Cochran, 138 Neb. 827, 295 N.W. 805 (1941).

The Legislature may establish criteria for membership on a legislatively established commission as long as those criteria do not contravene Article IV, Section 10 of the Constitution. Our Supreme Court in Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 676, 217 N.W.2d 166 (1974), held that the Legislature could determine that a state officer may be a member of a legislatively established commission since membership on the commission would be interpreted as an additional duty of the officer. However, any designation of a specific officer or individual to be a member of a commission would be a legislative appointment in violation of Article IV, Section 10. The Legislature may designate a class of individuals eligible to serve on a commission and the method by which such persons shall be selected. In so doing, however, it may not so limit the class as to actually appoint a specific individual or individuals. In Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), our court held that a statute providing that the board of directors for a public electric corporation would be selected from members residing in nine regions, violated Article IV, Section 10 of the Nebraska Constitution when five of those regions contained only one person qualified to receive appointment by the Governor to this board. The court said:

> The provisions of the Act which limit the appointment. . . by the Governor to a certain unnamed individual or to a . . . limited few, is an encroachment by the Legislature upon the powers of the Governor and is void as violative of Article IV, Section 10, of the Constitution of Nebraska.

Wittler v. Baumgartner, 180 Neb. at 460.

In reviewing Neb.Rev.Stat. §2-1504(2) we observe no limitation so limiting as to be an encroachment by the Legislature upon the powers of the Governor, or be void as violative of Article IV, Section 10 of the Nebraska Constitution.

You also seemed to question whether the manner of designating members of the commission violates the United States Constitution as being so irrational as to deprive persons of equal protection of the law. The United States Supreme Court in Minnesota v. Clover Leaf Creamery Co., ___ U.S. ___, 101 S.Ct. 715 (1981), reaffirmed that its evaluation of a challenge to a State Statute upon grounds of violation of the Equal Protection Clause of the Constitution will be satisfied if it was reasonable for the lawmakers to believe that the challenged legislation would promote a legitimate state purpose. It is not irrational for the Nebraska Unicameral to believe that the knowledge and experience acquired while a member of the board of directors of a natural resources district would best qualify an individual for service upon the Nebraska Natural Resources Commission. Therefore, it is our conclusion that the language of the present Nebraska statute does not violate the Equal Protection Clause of the United States Constitution.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:sjr
cc: Mr. Patrick O'Donnell
Clerk of the Legislature

Opinion No. 207
February 25, 1982

Re: LB 335

Dear Senator DeCamp:

This is in response to your inquiry concerning LB 335 presently before the Nebraska Legislature.

You first inquire "as to the constitutionality of the entire concept of making 1 1/2 million Nebraskans criminal because they suspect somebody may or may not be abusing an adult or neglecting an adult or a child and fail to immediately run to the police and report their suspicions."

Section 2 of said bill requires any person who "has reasonable cause to suspect that a person 18 years of age or older has been the subject of abuse, he or she shall report such incident or cause a report to be made to the proper law enforcement agency. . . ."

Thus, the reporting requirement applies only to those who have "reasonable cause to suspect" abuse.

Section 10 of the bill makes it a Class V misdemeanor only for those required to report, as discussed above, who willfully fail to report.

The extent of the knowledge required to make an act or omission criminal is more a matter of policy to be determined by the Legislature than one of constitutionality.

In 21 Am.Jur.2d, Criminal Law, §137, pp. 270-271, is the following:

> Though the common-law concept of crime as constituted only from the concurrence of an evil-meaning mind with an evil-doing hand took deep and early root in this country, a completely different category of crimes has arisen under modern statutes, especially in the area of public welfare offenses. These are crimes which depend on no mental element, but consist only of forbidden acts or omissions. Where the legislature creates such an offense, criminal intent in any of its forms is not an element of the crime and need not be proved to justify a conviction, although some courts reconcile this with the older law of crimes by saying that where a statute denounces the doing of an act as criminal, the law imputes criminal intent from the doing of the act. The moral turpitude or purity of motive which prompted the act, and knowledge or ignorance of its criminal character, are immaterial on the question of guilt, and the only question is whether the prohibited act was done or the required act omitted. In other words, it is immaterial that the defendant acted in good faith or did not know that he was violating the law, . . .

This concept was set forth with approval by the Supreme Court of Nebraska in Markham v. Brainard, 178 Neb. 544, 546, 134 N.W.2d 84 (1965) where the court stated: "Although the Legislature may enact criminal statutes which do not include criminal intent or guilty knowledge as an element of the crime, a penal law which makes criminal an act which the utmost care and circumspection would not enable one to avoid is invalid." See also, State v. Vicars, 186 Neb. 311, 313, 183 N.W.2d 241 (1971).

We find no such problem, nor any constitutional problem in this regard, in LB 335.

You next inquire "Additionally, I would like you to address the specific question of whether under this legislation if the clergy are included as having to report, a priest receiving information which gave him reason to suspect an individual might be abusing a child or an adult, must, under criminal law report said information provided to him in confessional directly to the agencies or authorities outlined in the bill."

The answer to this question will depend entirely upon how the Legislature words any requirement that the clergy must make a report.

81 Am.Jur.2d, Witnesses, §284, pp. 299-300, states in part:

> Although the authorities are somewhat uncertain as to whether a privilege for confessions to priests was recognized in common-law courts during the period of the Restoration, the

> almost universal expression of judicial opinion is that, following that period, the common law did not recognize a privilege with regard to communications to clergymen or other church or ecclesiastical officers. That rule still obtains except insofar as it has been changed by statute. . . . The tendency of the courts is toward a strict construction of such statutes and, generally speaking, only those communications are privileged which are made under the exact conditions enumerated in the statutes.

The Supreme Court of Nebraska has also adopted a strict construction. In Hills v. State, 61 Neb. 589 (1901) in construing a statute which provided that no minister or priest shall be allowed "in giving testimony, to disclose any confidential communication, property intrusted to him in his professional capacity, . . ." In that case, a minister was called to the county jail by a defendant who was being prosecuted for bigamy. The defendant asked the minister to communicate with the defendant's first wife, apparently in an effort to keep her from acting as a complaining witness.

As to this communication, the Supreme Court of Nebraska stated:

> To render a communication to a minister of the gospel or priest privileged it must have been received in confidence. By this we do not mean that it must be made under the express promise of secrecy, but rather that the communication was in confidence, and with the understanding, express or implied, that it should not be revealed to any one. The mere fact that a communication is made to a person who is a lawyer, a doctor or a priest, does not of itself make such communication privileged.

(Id. at 594-595).

To reiterate, the answer to your second question depends entirely upon the way the matter is handled by the Legislature.

You next inquire if the attorney/client privilege is suspended whether an attorney would be required to report abuse discovered in the attorney/client relationship.

The law as to privileged communications between attorneys and clients is much broader than that of the clergy discussed above. As stated in 81 Am.Jur.2d, Witnesses, §172, pp. 208-209:

> It is a long-established rule of common law that an attorney or counselor at law is not permitted, and cannot be compelled, to testify as to communications made to him in his professional character by his client, unless the client consents. This privilege exists independently of, but in many states is declared by, statute.
>
> The rule of privilege against the disclosure of confidential communications made by a client to his attorney is based upon grounds of public policy. When one seeks the professional

> advice and assistance of an attorney at law with the view of securing and enforcing his rights, or of defending himself against civil claims or criminal charges, it is necessary that he be able to make a full disclosure of all facts and circumstances that go to substantiate his claim or defense, and the law, by throwing this cloak of protection around communications between attorney and client, encourages the client to make full disclosure of the facts.

As you will note from the foregoing, the client may consent to disclosure; should the client consent the attorney would be required to report the abuse if his suspicion were reasonably based unless the Legislature exempts him.

As in the case of the clergy privilege, the privilege receives a strict construction from the courts.

It is our opinion that any statutory attempts to cut down upon the common law privilege of the attorney/client relationship, at least as to communications concerning the interest of the client, would be held unconstitutional by the Nebraska Supreme Court as an invasion of the the Doctrine of Separation of Powers. In State ex rel. Hunter v. Kirk, 133 Neb. §625, 276 N.W. 380 (1937), previous case is on the regulation of the legal profession was summarized as follows:

> It was further said: [quoting from In re Integration of Nebraska State Bar Ass'n, 133 Neb. 283] "The practice of law is so intimately connected and bound up with the exercise of judical power in the administration of justice that the right to define and regulate its practice naturally and logically belongs to the judicial department of our state government."
>
> This court has exclusive power to define the practice of law. In the body of the opinion in In re Integration of Nebraska State Bar Ass'n, supra, it was further said: "The term 'inherent power of the judiciary' means that which is essential to the existence, dignity and functions of the court from the very fact that it is a court." (Emphasis added.)
>
> "The proper administration of justice is the main business of a court, and whatever obstructs or embarrasses its chief function must naturally be under its control." In re Integration of Nebraska State Bar Ass'n, supra.
>
> It will thus be seen from the foregoing holdings that this court has the inherent power to define and regulate the practice of law and is vested with exclusive power to determine the qualifications of persons who may be permitted to practice law.

Id. at 625-626.

We are of the opinion that any curtailment of the common law attorney/client privilege, as outlined above, would be difficult to defend as to constitutionality.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK/cmb/th11
cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 375, 604, and 604A.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 682. Placed on General File as amended.
Standing Committee amendments to LB 682:
Req. #2733

1. Insert the following new sections:

"Section 1. That section 11-119, Revised Statutes Supplement, 1980, be amended to read as follows:

11-119. The following named officers shall execute a bond with penalties of the following amounts:

(1) The Governor, ~~fifty~~ one hundred thousand dollars;

(2) The Lieutenant Governor, ~~fifty~~ one hundred thousand dollars;

(3) The Auditor of Public Accounts, ~~fifty~~ one hundred thousand dollars;

(4) The Secretary of State, ~~fifty~~ one hundred thousand dollars;

(5) The Attorney General, ~~fifty~~ one hundred thousand dollars;

(6) The State Treasurer, not less than ~~six hundred thousand~~ one million dollars, and not more than double the amount of money that may come into his or her hands, to be fixed by the Governor;

(7) Each county attorney, in a sum not less than one thousand dollars, to be fixed by the county board;

(8) Each clerk of the district court, not less than five thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board;

(9) Each county clerk, not less than one thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board; Provided, that when a county clerk also has the duties of other county offices the minimum bond shall be two thousand dollars;

(10) Each county treasurer, not less than ten thousand dollars, and not more than the amount of money that may come into his or her hands, to be determined by the county board;

~~(11) Each county judge, five thousand dollars;~~

~~(12)~~ (11) Each sheriff, in counties of not more than twenty thousand inhabitants, five thousand dollars; over twenty thousand inhabitants, ten thousand dollars;

~~(13)~~ (12) Each county superintendent of public instruction or district superintendent of public instruction, one thousand dollars;

~~(14)~~ (13) Each county surveyor, five hundred dollars;

~~(15)~~ (14) Each county commissioner or supervisor, in counties of not more than twenty thousand inhabitants, one thousand dollars; over twenty thousand and not more than thirty thousand inhabitants, two thousand dollars; over thirty thousand and not more than fifty thousand inhabitants, three thousand dollars; over fifty thousand inhabitants, five thousand dollars;

~~(16)~~ (15) Each register of deeds in counties having a population of more than sixteen thousand five hundred inhabitants, not less than two thousand dollars nor more than one hundred thousand dollars to be determined by the county board;

~~(17)~~ (16) Each constable, three hundred dollars;

~~(18)~~ (17) Each township clerk, two hundred fifty dollars;

~~(19)~~ (18) Each township treasurer, two thousand dollars;

~~(20)~~ (19) Each county assessor, not more than five thousand dollars and not less than two thousand dollars;

~~(21)~~ (20) Each school district treasurer, not less than five hundred dollars, nor more than double the amount of money that may come into his or her hands, the amount to be fixed by the president and secretary of the district;

~~(22)~~ (21) Each road overseer, two hundred fifty dollars; and

~~(23)~~ (22) Each member of a county weed district board, and the manager thereof, such amount as may be determined by the county board of commissioners or supervisors of each county, with the same amount to apply to each member of any particular board.

All other state officers, department heads, and employees shall be bonded under the blanket surety bond required by section 11-201.

Sec. 3. That section 51-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-403. The powers and duties of the Nebraska Library Commission shall be (1) to make rules and regulations not inconsistent with law for its government and operations, (2) to appoint a director, at a salary to be fixed by the commission, who shall be a technically trained, qualified, and experienced librarian, a graduate of an American Library Association accredited library school, to administer the work of the commission as hereinafter specified, ~~(3) to require the director to execute an official bond to the State of Nebraska in the penal sum of three thousand dollars, (4)~~ (3) to authorize the director to employ such assistance as may be necessary to properly carry out the requirements of sections 51-401 to 51-410, ~~(5)~~ (4) to be responsible for the statewide promotion, development, and coordination of library programs and services in accordance with nationally acceptable library standards, ~~(6)~~ (5) to receive, as legally designated state governmental agency, federal library funds which by federal law are to be dispersed within the state by a prescribed formula, ~~(7)~~ (6) to accept and administer any gifts, bequests, and legacies which, in the opinion of the director and the commission, may be of value to it, and ~~(8)~~ (7) to make a biennial report for the past two fiscal years to the Governor of its activities and the progress of its work on or before December 15 in each even-numbered year.

Sec. 4. That section 71-222.01, Revised Statutes Supplement, 1980, be amended to read as follows:

71-222.01. The director, under the supervision of the Board of Barber Examiners, shall administer the provisions of sections 71-201 to 71-237, and shall serve at the pleasure of the board. His or her salary shall be fixed by the board. He or she shall devote full time to the duties of his or her office. No person shall be eligible to the office of director who has not been engaged in the active practice of barbering as a registered barber in the state for at least five years immediately preceding his or her appointment. No member of the Board of Barber Examiners shall be eligible to the office of director during his or her term. ~~The director shall be bonded under the blanket surety bond required by section 11-201. The premium on such bond shall be paid as an expense of the board.~~

Sec. 5. That section 80-401.08, Revised

Statutes Supplement, 1981, be amended to read as follows:

80-401.08. The members of the Veterans' Advisory Commission shall annually appoint one of its members as chairperson and one as secretary. The members of the commission shall each qualify by taking and subscribing an oath of office. ~~, and giving bond to the State of Nebraska in the penal sum of five thousand dollars, with corporate surety to be approved by the Governor, conditioned for the faithful performance of the duties of his or her office.~~ No member shall receive any salary for his or her services, but each shall be reimbursed for his or her actual and necessary expenses incurred by him or her in performing his or her duties as provided in sections 84-306.01 to 84-306.05 for state employees.".

2. On page 2, strike beginning with the second "county" in line 6 through the first comma in line 7 and show as stricken; strike beginning with "for" in line 15 through "county" in line 17 and insert "the premium for a public official blanket bond, bonding (a) all employees of the county including all deputies, or (b) all deputy county officials"; in line 18 strike "section" and insert "sections" and after "11-126" insert "and 51-403"; and in line 19, strike "is" and insert "sections 11-119 and 71-222.01, Revised Statutes Supplement, 1980, and section 80-401.08, Revised Statutes Supplement, 1981, are".

3. Renumber original sections 1 and 2 as sections 2 and 6 respectively.

LEGISLATIVE BILL 301. Indefinitely postponed.

(Signed) Martin Kahle, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 738. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2668.)

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. Carsten announced the Revenue Committee will meet in executive session today, March 1, at 4:00 p.m. in Room 1019.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 709. Placed on General File as amended.
Standing Committee amendments to LB 709:

1. On page 2, line 9, after "twelve" insert "of a public school"; and strike beginning with "A" in line 22 through the period in line 23.
2. On page 3, line 1, after "period" insert ", except that a high school may allow certain graduation requirements to be satisfied by credits from an accredited college or university or from a Nebraska technical community college earned during the student's first year at such institution".

(Signed) Jerry Koch, Chairperson

STATEHOOD DAY CEREMONY

Governor Charles Thone, Chief Justice Norman Krivosha, Lieutenant Governor Roland Luedtke, and Secretary of State Allen J. Beermann addressed the Legislature.

Awards were presented to the following people: Nellie Snyder Yost, Pioneer Award; James Denney, Pioneer Award; Doris Royal, Nebraskaland Trailblazer; Lawrence Youngman, Nebraskaland Trailblazer; Merlyn E. Carlson, Nebraskaland Wagonmaster; and Barry Kennedy, Nebraskaland Wagonmaster.

NELLIE SNYDER YOST
PIONEER AWARD

Few others ever from the state of Nebraska could better present the spirit of Nebraska's heritage on paper than our two Pioneer Award recipients.

A woman whose writing career began at the age of 46, Nellie Snyder Yost has for 30 years retold the stories of hardship and humor, and the lifestyle and heartbreaks of the plans. Her vivid accounts of our pioneer heritage have earned her national recognition, as well as appearances on national television.

She took readers down the nostalgic path of the Nebraska cattle industry in "The West that was; The Call of the Range" and she recorded for all the experiences of her pioneer mother in "No Time on My Hands." She takes everyone back in time to a personal encounter in the history of Holt County entitled "Before Today."

Perhaps her best known work, "Buffalo Bill: His Family, Friends, Fame, Failures and Fortunes" earned her the coveted Wrangler Award from the Oklahoma City Cowboy Hall of Fame.

In recognition of the place she has taken among Nebraska's famous authors recounting the tales of our heritage, the NEBRASKAland Foundation presents Nellie Snyder Yost of North Platte with its PIONEER AWARD.

JAMES DENNEY
PIONEER AWARD

This man has probably logged more miles, visited more places and seen more sights in Nebraska than perhaps any other Nebraskan. For the past 23 years Jim Denney, as writer, photographer and editor of the Omaha World-Herald's Magazine of the Midlands, Jim has informed readers about nearly every aspect of Nebraska life.

He has captured the beauty of our state in words and photos from the buttes around Fort Robinson to the leisurely fishing along the Missouri River.

Readers throughout America have been exposed to his work. Many of his photos have appeared in Life, Time, People and Sports Illustrated magazines. Jim has received numerous awards including the Freedom Foundation's George Washington Medal for his thoughtful photo of Boy Scouts heading to church.

He has informed us and told us about the good life, and he has helped us Discover Nebraska. He is enthusiastic about our state's beauty and its history.

In recognition of his many years of portraying the spirit and activity of Nebraska, the NEBRASKAland Foundation presents its PIONEER AWARD to Jim Denney of Omaha.

DORIS ROYAL
NEBRASKALAND TRAILBLAZER

This four-time grandmother doesn't fit the mold of a rocker and a knitter. Doris Royal has spent countless hours with her husband Lloyd working the family farm near Springfield. She has always broken the mold and set new trails in the stereotype of a farm wife.

It is because of her personal crusade to change state and national estate tax laws that Doris Royal is among Nebraka's unique persons.

After laboring for four years alongside Lloyd in the fields, she learned that the "widows tax" would not recognize the years she had spent working on the farm. Saying "There's always been equal rights on the tractor seat," she began a long and arduous campaign to have national estate tax laws changed.

After thousands of hours and letters and dozens of trips to Washington, where she testified before Congress about the devastating efforts of estate taxes on the family farm, Congress, last fall, eliminated the widow's tax and its vast remifications.

It took six years on the trail and Doris deservingly received the Distinguished Service Award from the American Agricultural Editors Association.

The NEBRASKAland Foundation believes that she is most deserving of our state's TRAILBLAZER AWARD.

LAWRENCE YOUNGMAN
NEBRASKALAND TRAILBLAZER

Travel is in the blood of Larry Youngman, he might well be called the father of tourism in Nebraska. Travel has always been a major part of his life both as a reporter for the Omaha World-Herald, and later when he founded Omaha's Travel and Transport.

For 17 years at the World-Herald he reported on life and business in Nebraska and in 1944 he was a war correspondent known for his unforgetable accounts of the war years.

After leaving the World-Herald and starting Travel and Transport he became a leader in the field of tourism and in traveling and discovering Nebraska. He was a founder of the NEBRASKAland Foundation in 1962 and was instrumental in starting the NEBRASKAland Tours in the '60s.

Tourism was a new trail for Nebraska then, and because of his leadership and promotion of Nebraska the NEBRASKAland Foundation proudly presents Larry the TRAILBLAZER AWARD.

MERLYN E. CARLSON
NEBRASKALAND WAGONMASTER

When Merlyn Carlson talks cattle, people listen. As President of the National Cattlemen's Association he stands out in his leadership. He is a nationally known expert in the beef cattle business so vital to Nebraska.

As an active rancher near Lodgepole, he has been active in local, state and national cattle organizations for more than 20 years. Nebraska farmers know him well as President of the Nebraska Stock Growers Association. His roots date back to the 1800's when his grandfather, Frank, immigrated from Sweden to homestead near Lodgepole.

He has served as judge for a variety of cattle shows and continues his work on the refinement of the "Herd Alert" program which the nation's 1.8 million cattle producers updated on current information relating to their industry.

Because of his extensive local, state and national leadership in the cattle industry, the NEBRASKAland Foundation presents its WAGONMASTER AWARD to Merlyn E. Carlson of Lodgepole.

BARRY KENNEDY
NEBRASKALAND WAGONMASTER

In the days of the early pioneers, the Wagonmaster was the man in charge - the leader. It wouldn't be difficult to picture Barry Kennedy in that role. His pioneers are the more than 500,000 members of Jaycees International which Barry leads as President.

A native of Salem, he helped run the family farm near Table Rock. He served our nation in the Vietnam War before joining the Syracuse Jaycees in 1971. It took him just five years to become President of the Nebraska Jaycees. Two years later, he was elected President of the United States Jaycees.

At the age of thirty-five, Barry was elected President of Jaycees International at their 36th World Conference held in Berlin, Germany.

During 1982 he will travel the world, meet heads of state, and visit six continents. He has said one of his goals will be to make more people aware of Nebraska and what it offers.

Because of his international involvement and leadership, and his example of influence for others, the NEBRASKAland Foundation is pleased to present its WAGONMASTER AWARD to Barry Kennedy of Pawnee City.

SPEAKER MARVEL PRESIDING

ANNOUNCEMENT

President Luedtke announced that Senator Remmers' birthday is today and Senator Sieck's birthday is February 29.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 854A. By Fowler, 27th District.
This bill introduced on behalf of: LB 854.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 854, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 659 in the Journal. No objections. So ordered.

Req. #2676

1. On page 2, line 3, after "include" insert "(1)"; in line 6 after the first comma insert "(2)"; in line 7 before the first "a" insert "(3)", and after the comma insert "(4)"; in line 8 after the first comma insert "(5)"; and in line 9 before "dumbwaiters" insert "(6)" and after "and" insert "(7)".

2. Insert the following new sections:

"Sec. 2. That section 48-418, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418. The Commissioner of Labor shall, on or before the first day of July, 1965, appoint a state elevator inspector, subject to the approval of the Governor, who shall work under the direct supervision of the commissioner. The person so appointed shall be qualified by not less than five years' journeyman experience in elevator installation, maintenance, and inspection as determined by the Commissioner of Labor, and ~~he~~ must be familiar with the inspection process provided by the ~~American National Standard Safety Code for Elevators A 17.1 1971~~ Nebraska Code provided under section 48-418.12. The commissioner, subject to the approval of the Governor, may appoint deputy inspectors possessing the same qualifications as the state elevator inspector.

Sec. 3. That section 48-418.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-418.12. The American National Standard Safety Code A ~~17.1 1971 of 1971~~ 17.1 as published by the American Society of Mechancial Engineers as amended as of ~~September 2, 1973~~ the effective date of this act, may be adopted as a regulation by the Commissioner of Labor and shall thereafter be known as the Nebraska Code. A copy of this code, if so adopted, shall be kept on file in the office of the Commissioner of Labor. Any amendment or change thereafter made in such code shall become effective in this state only after public notice and hearing thereon as provided in section 84-901 to 84-908.

Sec. 4. That section 48-418.13, Revised Statutes Supplement, 1981, be amended to read as follows:

48-418.13. On or before July 1, 1968, all elevators equipped with photoelectric tube devices, which control the closing of automatic, power-operated elevator doors, except those having fire service as provided in the ~~American National Standard Safety Code A 17.1 1978 of 1978, as published by the American Society of Mechanical Engineers~~ Nebraska Code provided under section 48-418.12, with ionization or smoke detectors, shall have a switch in the elevator car which, when actuated, will render the photoelectric tube device ineffective.

This switch shall be constant pressure type, requiring not less than ten pounds nor more than fifteen pounds pressure to actuate. It shall be located not less than six feet nor more than six feet, six inches above the car floor, and shall be in or adjacent to the operating panel.

The switch shall be clearly labeled To Be Used In Case Of Fire Only. The switch shall be under glass shield to prevent its indiscriminate use by the public.

Sec. 5. That original sections 48-418 and 48-418.12, Reissue Revised Statutes of Nebraska, 1943, and section 48-418.13, Revised Statutes Supplement, 1981, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

SELECT FILE

LEGISLATIVE BILL 547. E & R amendments found in the Journal on page 825 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 383. E & R amendment found in the Journal on page 826 for the Thirty-Second Day was adopted.

Mr. Nichol offered the following amendment:
(Amendment printed separated from the Journal and on file in the Clerk's Office - Req. #2738.)

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nichol amendment was adopted with 29 ayes, 6 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 590. E & R amendment found in the Journal on page 826 for the Thirty-Second Day was adopted.

Mr. Haberman moved to indefinitely postpone LB 590.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Mr. Haberman requested a roll call vote on his motion.

Voting in the affirmative, 19:

Apking
Barrett
Beyer
Carsten
Clark
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner

Voting in the negative, 22:

Beutler
Burrows
Cullan
DeCamp
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Wesely
Wiitala

Present and not voting, 4:

Chronister
Cope
Kremer
Wagner

Excused and not voting, 3:

Chambers
Koch
Lamb

Absent and not voting, 1:

Vickers

The Haberman motion lost with 19 ayes, 22 nays, 4 present and not voting, 3 excused and not voting, and 1 absent and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Burrows
Chronister
Cullan
DeCamp
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Beyer
Carsten
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 4:

Clark
Cope
Marvel
Warner

Excused and not voting, 3:

Chambers
Koch
Lamb

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 509A. Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Burrows
Chronister
Cullan
DeCamp
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Carsten
Clark
Cope
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Marvel

Excused and not voting, 3:

Chambers Koch Lamb

Advanced to E & R for Engrossment with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 372. Placed on General File.
LEGISLATIVE BILL 567. Placed on General File.
LEGISLATIVE BILL 870. Placed on General File.

LEGISLATIVE BILL 546. Placed on General File as amended.
Standing Committee amendments to LB 546:
Req. #2608

1. Strike original sections and insert:

"Section 1. The Nebraska State Patrol and the Department of Roads shall jointly develop standards and criteria for the control of traffic in cases of severe or adverse weather conditions in order to insure the safety of the motoring public. Any action taken for the control of traffic in cases of severe or adverse weather shall conform strictly to such standards and criteria.

Sec. 2. (1) The Nebraska State Patrol shall have the responsibility for the institution of actions taken for the control of traffic pursuant to the standards and criteria developed under section 1 of this act.

(2) The Department of Roads shall cooperate with the Nebraska State Patrol when the control of traffic is instituted under subsection (1) of this section. The department shall provide appropriate personnel and equipment necessary to assist the patrol in the control of traffic pursuant to this act.

(3) Any person who knowingly fails or refuses to comply with any directive of the Nebraska State Patrol in the control of traffic pursuant to this act shall be guilty of a Class III misdemeanor.".

LEGISLATIVE BILL 676. Placed on General File as amended.
Standing Committee amendments to LB 676:
Req. #2725

1. On page 4, strike the new matter in lines 2 and 3; and in line 6, strike "juvenile".

2. On page 6, in line 15, strike the second

"juvenile"; and in lines 16, 18, and 20 strike "juvenile".

3. Insert the followng new sections:

"Sec. 6. That section 29-2271, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2271. The Nebraska District Court Judges Association created pursuant to section 29-2247 shall, at the first meeting of the association held after passage of this act, select ~~five~~ four members of the association to serve on the Nebraska Probation System Committee. On or before March 31, 1984, the association shall determine by lot which member of the five members currently serving shall have his or her term terminate on such date.

Sec. 7. The separate juvenile court judges of the State of Nebraska shall meet on or before March 31, 1984 and shall select one member to serve on the Nebraska Probation Systems Committee whose terms shall commence on April 1, 1984.".

4. On page 9, line 5, strike ", 7, and 9" and insert "to 9, and 11"; and in line 9 strike "section" and insert "sections" and after "29-2253" insert "and 29-2271".

5. Renumber original sections 6 to 10 as sections 8 to 12 respectively.

LEGISLATIVE BILL 818. Placed on General File as amended. Standing Committee amendments to LB 818:

1. On page 4, line 13, strike "offender's probation" and insert "court of record"; in line 14, strike "officer" and strike "probation officer" and insert "court of record"; and strike beginning with "If" in line 20 through the period in line 25.

2. On page 7, line 16, strike "offender's probation" and insert "court of record"; in line 17, strike "officer" and strike "probation officer" and insert "court of record"; and strike beginning with "If" in line 23 through "over" in line 27.

3. On page 8, strike line 1.

4. On page 9, line 25, strike "dependants" and insert "dependents"; and in line 27, strike "The plan shall further".

5. On page 10, strike lines 1 through 5.

6. On page 11, line 9, strike "dependants" and insert "dependents"; and strike beginning with "If" in line 10 through the period in line 15.

7. On page 14, strike beginning with "If" in line 5 through the period in line 11.

LEGISLATIVE BILL 948. Placed on General File as amended. Standing Committee amendments to LB 948:

1. On page 8, strike beginning with "There" in line 20 through the period in line 23; and strike beginning with "The" in line 26 through "amount" in line 27 and insert "There is hereby created a fund to be known as the County Drug Law Enforcement Fund to consist of the remaining fifty per cent of such amount. Such fund".
2. On page 9, line 1, strike "to" and insert "by"; in line 6, after "city" insert ", village, or township"; and in line 7, after the period insert "The police department representative shall serve the first term for a period of one year, and thereafter shall serve a two-year term.".
3. Insert the following new section:
   "Sec. 3. This act shall become operative on November 30, 1982.".
4. Strike section 4.
5. Renumber original section 3 as section 4.

LEGISLATIVE BILL 432. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 514. Indefinitely postponed.
LEGISLATIVE BILL 569. Indefinitely postponed.
LEGISLATIVE BILL 612. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.
LEGISLATIVE BILL 721. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 867. Indefinitely postponed.

(Signed) William E. Nichol, Chairperson

Urban Affairs

LEGISLATIVE BILL 868. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2713.)

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 617. Indefinitely postponed.
LEGISLATIVE BILL 640. Indefinitely postponed.
LEGISLATIVE BILL 886. Indefinitely postponed.

LEGISLATIVE BILL 917. Indefinitely postponed.
LEGISLATIVE BILL 944. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

Public Health and Welfare

The Public Health and Welfare Committee will meet at 2:00 p.m. on Wednesday, March 24, 1982, in Room 1520, for the purpose of hearing the appointments of:

Commission for the Hearing Impaired
Henry Barthuly
Patricia Kloster
Vernon Miers
Rural Health Manpower Commission
Wilma Dobesh
Advisory Committee to the Departments of Public Welfare, Institutions and Corrections
Ray Young

(Signed) Samuel K. Cullan, Chairperson

ANNOUNCEMENT

Mr. Warner announced changes of hearing rooms for Appropriations Committee. The following hearings are changed from room 1003 to 1520: LB 933, Monday, March 1, 1982; LB 632, Tuesday, March 2, 1982; LB 957, Tuesday, March 2, 1982; LB 942, Wednesday, March 3, 1982; Block Grants, Thursday, March 4, 1982.

RESOLUTION

LEGISLATIVE RESOLUTION 231.

Introduced by Rumery, 42nd District.

WHEREAS, there are millions of older Americans who have worked diligently through the years and have contributed greatly to the economic and social well-being of this country; and

WHEREAS, during their years of work older workers have gained invaluable experience; and

WHEREAS, many experienced older workers in Nebraska are currently involuntarily unemployed or underemployed; and

WHEREAS, suitable and prompt employment of such skilled and mature workers will prevent further waste of this precious resource; and

WHEREAS, citizens of all ages in this state should be encouraged to utilize this precious resource to the fullest; and

WHEREAS, March 14-20, 1982 is "National Employ the Older Worker Week" to honor America's older workers and to encourage employers to hire and retain older workers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages all Nebraskans to observe "Employ the Older Worker Week" from March 14 through March 20, 1982, and to give special consideration to employment of older workers.
2. That the Legislature urges the employment of the older worker not only during the special week of March 14th, but during every week of the year.

Laid over.

VISITORS

Visitors to the Chamber were Robert Lute, II from Ogallala; Mr. and Mrs. Art Schrepel from Lincoln; Mr. and Mrs. Marvin Caspers from Auburn; 4 students and teacher from Wilcox High School; 64 students and teachers from Kahoa Elementary, Lincoln; Dr. Byford Klein from Blair; 16 students, parents, and teachers from District 70, Wahoo; Dr. Glen Vandenberge from Scottsbluff; and Dr. Ed Alderman from Minden.

RECESS

At 12:03 p.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused; and Mesdames Labedz, Pirsch, Messrs. Cope, Fowler, Goodrich, L. Johnson, Lamb, Rumery, Stoney, and Warner who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

March 1, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 646 and 649 were received in my office on February 22, 1982. Engrossed Legislative Bill 834 was received on February 25, 1982.

These bills were signed by me on February 26, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 768. Placed on General File as amended. Standing Committee amendments to LB 768:

Req. #2722

1. On page 2, line 6, strike "administers" and insert "has been approved by the nursing home administrator and the Department of Health to administer"; in line 11 after "mean" insert "(1)"; and in line 12 after "71-2017.03" insert "and (2) a skilled nursing facility, intermediate care facility one, or intermediate care facility two of any hospital as defined in section 71-2017.01".

2. On page 6, strike lines 1 to 3; and in line 4 strike "(4)" and insert "(3)".

3. On page 7, line 1, strike "(5)" and insert "(4)".

4. On page 9, line 25, after "days" insert "except when such resident is discharged for nonpayment for his or her stay", and strike "The twenty-one day requirement" and insert "When such discharge is for nonpayment for the resident's stay, the minimum notice period shall be seven days. This subsection".

5. On page 10, line 3, after "residents" insert "or nursing home employees"; and in line 17 strike

"shall" and insert "may".

6. On page 11, line 5, before "disciplined" insert "terminated or otherwise", and after "disciplined" insert an underscored comma.

7. On page 13, line 17, strike "and" and insert an underscored comma; and in line 20 after "violation" insert ", and (c) no successive penalty shall be assessed for any day prior to the time a licensee receives actual or formal notice of a violation".

8. On page 14, line 7, before "director" insert "employee shall promptly notify the licensee and the director of his or her findings. The director shall review each violation reported and, if the employee's findings are supported by the evidence, the"; and strike line 27.

9. On page 15, strike lines 1 through 5.

10. On page 16, line 4, strike "or otherwise financially interested in" and insert ", owner, director, or employee of".

11. Insert the following new section:

"Sec. 40. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.".

12. Renumber original section 40 as section 41.

LEGISLATIVE BILL 831. Placed on General File as amended.
Standing Committtee amendments to LB 831:

Req. #2718

1. Strike the original sections and insert the following new sections:

"Section 1. That section 71-604.01, Revised Statutes Supplement, 1980, be amended to read as follows:

71-604.01. All infants born in the State of Nebraska shall be screened for ~~metabolic disease, except that no infant shall be screened if a parent or guardian objects thereto on the grounds that such a screening is contrary to the religious tenets of an established church of which he or she is a member or adherent.~~ phenylketonuria and primary hypothyroidism. This screening shall be as prescribed by the Department of Health. The department is authorized to promulgate and enforce rules and regulations to aid in implementing the provisions of sections 71-604.01 to 71-604.04. Testing shall be prescribed by the Department of Health and the department shall regulate (1) the screening process and confirmatory testing, (2) the method of reporting the results of such tests by the attending physician or hospital to the department, and (3) the department's notification to the infant's parents and physician of the results of such tests.

~~(1)~~ (a) In the event a screening test indicates a newborn infant may be afflicted with the phenylketonuria syndrome or primary hypothyroidism, it shall be the responsibility of the Department of Health to prescribe the procedures to be followed in order to determine if the syndrome or hypothyroidism is actually present. It shall be the responsibility of the infant's physician to confirm the diagnosis of phenylketonuria or primary hypothyroidism and report such confirmation to the department.

~~(2)~~ (b) It shall be the responsibility primarily of the parents or legal guardian of the children and secondarily of the Department of Health to follow the development of all children carrying the syndrome of any metabolic disease to insure that those persons responsible for the care of the child are fully informed of accepted medical procedures for the detection, prevention, and treatment of such condition. Dietary and therapeutic management of the infant with phenylketonuria or primary hypothyroidism shall be the responsibility of the parents with the aid of a physician selected by the parents. A consultant shall be available from the department to assist the parents and physician when called upon to do so.

~~(3)~~ (c) When tests for detecting a metabolic disease other than phenylketonuria or primary hypothyroidism are perfected the Director of Health may require that tests for the syndrome or syndromes be made and reported on the birth certificate.

Sec. 2. That section 71-604.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-604.04. Results of ~~such~~ tests for ~~metabolic~~ phenylketonuria and primary hypothyroidism disorders in infants, as prescribed by the Department of Health, ~~may~~ shall be included in the monthly report to the department on births as required by section 71-610; Provided, that a report of the result of such test shall be forwarded to the Department of Health no later than the tenth day of the succeeding month after the test is administered. If an infant is not born in a health care facility the person responsible for the signing of the birth certificate of such child shall cause to be obtained from every such infant a specimen of the type designated by the Department of Health and forward such to the Department of Health laboratory or other laboratory approved by the department for testing for phenylketonuria and primary hypothyroidism.

Sec. 3. That original section 71-604.04, Reissue Revised Statutes of Nebraska, 1943, and section 71-604.01, Revised Statutes Supplement, 1980, are repealed.".

(Signed) Samuel K. Cullan, Chairperson

Public Works

LEGISLATIVE BILL 860. Placed on General File as amended. Standing Committee amendment to LB 860:

1. On page 12, line 16, strike "service, repair, or".

LEGISLATIVE BILL 874. Placed on General File as amended. Standing Committee amendments to LB 874:

1. On page 5, line 19, strike the new matter and insert "combinations of trucks or truck-tractors and trailers or semitrailers,".
2. On page 6, line 3, after "farm" insert ", and the words NOT FOR HIRE".
3. On page 9, lines 25 and 26, strike the new matter and insert "including combinations of trucks or truck-tractors and trailers or semitrailers having a gross vehicle weight of less than fifteen tons,"; and strike line 27 and show as stricken.
4. On page 10, strike line 1, show as stricken, and insert "be eighteen dollars for up to and including five tons gross vehicle weight, and in excess of five tons the fee shall be twenty-two"; strike the new matter in lines 2 through 5 and insert "For combinations of trucks or truck-tractors and trailers or semitrailers weighing fifteen tons or more registered as a farm truck, except as provided in section 60-331.04, the registration fee shall be based upon the gross vehicle weight as defined in section 60-331. The registration fee on combinations of farm trucks weighing fifteen tons or more shall be at the following rates: For a gross weight of fifteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons, and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Combinations of trucks or truck-tractors and trailers or semitrailers weighing fifteen tons or more shall not be used in exchange of services."; strike beginning with "truck-tractor" in line 17 through "combination" in line 18 and insert "truck or combinations of trucks or truck-tractors and trailers or semitrailers"; and strike beginning with "and" in line 26 through "1943" in line 27.

LEGISLATIVE BILL 885. Placed on General File as amended. Standing Committee amendments to LB 885:

1. On page 2, line 26, strike beginning with "shall" in line 26 through "which" in line 27 and show as stricken.

2. On page 3, line 1, strike beginning with "encompasses" through "and" in line 2 and show as stricken.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments found on page 1218 of the 1981 Journal, strike amendments 1, 4, and 6; and on page 1, strike beginning with "9" in line 19 through "line" in line 20.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 232.

Introduced by Carsten, 2nd District; Hefner, 19th District; Schmit, 23rd District.

WHEREAS, Jules W. Burbach was truly a giant among men during his twenty years of service to all Nebraskans as a member of the Nebraska Legislature commencing in 1957; and

WHEREAS, Jules was a model for other legislators to emulate, always knowing when to drive ahead, when to fall back and regroup, and when to compromise, often with a disarming sense of humor; and

WHEREAS, his interests and accomplishments were so many and so diverse that no attempt to list them here could possibly do justice to his record; and

WHEREAS, he loved life and lived it to the fullest; and

WHEREAS, Jules W. Burbach died on Saturday, February 27, 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. By resolution in 1977, following his departure from the Legislature, we thanked him for being our friend. Now we tearfully thank him for having remained our friend until the moment of death.
2. Collectively and individually we reach out to extend our warmest sympathy to his widow Bernice, with whom he shared more than four decades, and to his surviving sisters and brothers with the hope that the knowledge of his dedication to service, his long list of contributions to others, and the tremendous number of friends he attracted will serve as a special consolation at this time of loss.
3. That a copy of this resolution be presented to Bernice Burbach.

Mr. Carsten moved to suspend the rules, Rule 4, Section 6, to permit the consideration of LR 232 today.

The motion prevailed with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

LR 232 was adopted with 38 ayes, 0 nays, 1 present and not voting, and 10 excused and not voting.

Mr. Hefner asked unanimous consent to add the names of all senators as co-introducers to LR 232. No objections. So ordered.

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 577. Placed on General File.
LEGISLATIVE BILL 671. Placed on General File.
LEGISLATIVE BILL 803. Placed on General File.

LEGISLATIVE BILL 580. Indefinitely postponed.
LEGISLATIVE BILL 627. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.
LEGISLATIVE BILL 905. Indefinitely postponed.

(Signed) Bernice Labedz, Chairperson

SELECT FILE

LEGISLATIVE BILL 702. E & R amendment found in the Journal on page 826 for the Thirty-Second Day was adopted.

Mr. Newell renewed his pending amendment found in the Journal on page 879.

The amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 335. Mr. Landis renewed his pending amendment, Req. #2667, found in the Journal on page 731 and considered on page 837.

MR. CLARK PRESIDING

Mr. Landis moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Landis amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Beutler moved to indefinitely postpone LB 335.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 12 nays, and 17 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The DeCamp-Beutler motion to indefinitely postpone prevailed with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 267. E & R amendments found in the Journal on page 395 for the Twelfth Day were adopted.

Mr. R. Peterson renewed his pending amendment found in the Journal on page 496.

The amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Messrs. Beyer and Fenger asked unanimous consent to be excused. No objections. So ordered.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 572. No objections. So ordered.

Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 378. E & R amendments found in the Journal on page 451 for the Fifteenth Day were adopted.

Mr. Newell offered the following amendment:

1. In the white copy Req. 1318:

a. On page 16, lines 7 and 8 strike the new matter and reinstate the stricken matter; and in line 11 strike "Certificate of Need Review Committee" and insert "department".

b. On page 22, line 27, reinstate "department".

c. On page 23, line 1, strike "Certificate of Need Review Committee"; in line 6 strike the new matter and reinstate the stricken matter; strike lines 14 through 18; and in line 19 strike "(5)" and insert "(4)".

d. On page 25, in lines 7 and 8 strike "Certificate of Need Review Committee" and insert "department"; and in line 12 strike "review committee" and insert "department".

e. On page 26, in lines 17 through 27 strike the new matter and reinstate the stricken matter.

f. On page 27, in lines 1 through 4, 10, and 12 through 14 strike the new matter and reinstate the stricken matter.

g. Strike sections 34, 35, and 36.

h. On page 29, in lines 17 and 18 strike the new matter and reinstate the stricken matter; strike beginning with "within" in line 21 through "or" in line 23 and show the old matter as stricken; and in line 26 strike "review committee" and insert "department".

i. On page 30, in lines 7, 8, and 22 strike the new matter and reinstate the stricken matter; and in line 23 strike "Review Committee".

j. On page 31, line 1, reinstate "its" and strike "the"; in line 2 reinstate "department" and strike "review"; and in line 3 strike "committee".

k. On page 32, in lines 2, 9, 11, 13, 18, 19, and 24 strike the new matter and reinstate the stricken matter; in line 12 strike "review committee"; and in line 16 strike ''review committee'' and insert ''department''.

l. On page 39, line 23, strike the new matter and reinstate the stricken matter.

m. On page 41, line 8, strike the new matter and reinstate the stricken matter.

n. On page 42, in lines 8 and 9 strike the new matter and reinstate the stricken matter; and in line 14 strike ''review committee'' and insert ''department''.

o. On page 44, line 9, after ''provisions'' insert ''of sections 71-5801 to 71-5872 and the other sections''.

p. On page 45, line 7, strike ''71-5844'' and insert ''71-5842''; and in lines 9 and 10 strike ''sections 71-5845 and'' and insert ''section''.

q. Renumber remaining sections accordingly.

2. In the E & R amendments on page 451 of the Journal:

a. In amendment 2, strike beginning with ''page'' in line 2 through ''on'' in line 3.

b. In amendment 3, in line 4 strike ''71-5844'' and insert ''71-5842''; in line 7 strike ''sections 71-5845 and'' and insert ''section''; and in line 10 strike beginning with ''to'' through ''committee;''.

Mr. Newell moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Pirsch
Schmit
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Carsten
Chronister
Cope
Cullan
Duda
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 1:

Clark

Excused and not voting, 5:

Beyer	Fenger	Koch	Lamb	Nichol

The Newell amendment lost with 20 ayes, 23 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely moved to indefinitely postpone LB 378.

The Wesely motion lost with 13 ayes, 19 nays, 13 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

On page 5, strike the new language in line 7 through line 11.

VISITORS

Visitors to the Chamber were Charles Marr from Scottsbluff; Steve Tomasek from Omaha; 60 students and teachers from Ruth Hill school, Lincoln; and 39 students and teachers from May Morley school, Lincoln.

ADJOURNMENT

At 4:15 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Wednesday, March 3, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 3, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Melvin Tassler, Redeemer Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Burrows, Kremer, Schmit, Sieck, Wiitala, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 907, line 19, strike "509A" and insert "590A".
The Journal for the Thirty-Fourth Day was approved as corrected.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 602. Placed on General File as amended.
Standing Committee amendments to LB 602:

1. Insert the following new section:
"Sec. 4. This act shall become operative on July 1, 1983.".

2. On page 4, line 2, after the period insert "The Department of Public Welfare shall establish a standard of need for medical services provided to indigent persons who are not eligible for other medical assistance programs. This standard shall not exceed the Office of Management and Budget income poverty guidelines.".

3. Renumber original section 4 as section 5.

(Signed) Samuel K. Cullan, Chairperson

Public Works

LEGISLATIVE BILL 848. Placed on General File as amended. Standing Committee amendments to LB 848:

1. On page 2, line 7, before "water" insert "soil and"; in line 9, after the period insert "In assessing public benefits, strong consideration shall be given to projects providing the most soil and water conservation benefits.

(2) Each year after an appropriation has been made to the Nebraska Water Conservation Fund, the Nebraska Natural Resources Commission shall establish the cost-share percentage for the next fiscal year at the lowest possible rate at which it is expected that all available funds can be obligated. Once established, this percentage shall remain in effect throughout the fiscal year."; in line 10, strike "(2)", show as stricken, and insert "(3)"; in line 17, strike "which are constructed" and insert "designed"; in line 18, strike "diffused surface water"; in line 20, after "Construction" insert "or installation"; in line 23, strike "(3)", show as stricken, and insert "(4)"; in line 24, after "for" insert "soil and"; and in line 25, strike "an", show as stricken, and insert "a recordable".

2. On page 3, line 2, after "landowner" insert "or his or her heirs, assigns, or transferees"; in line 4, after the period insert "No landowner shall be required to refund any funds if the removal, alteration, or modification of the project will maintain or improve its effectiveness."; and in line 12, after the period insert "Any filing or recording costs incurred pursuant to this section shall be paid from the Nebraska Water Conservation Fund.".

LEGISLATIVE BILL 850. Placed on General File as amended. Standing Committee amendments to LB 850:

Req. #2731

1. On page 2, line 20, after "(c)" insert "municipal commercial purposes; (d)", strike "(d)" and insert "(e)", and strike "nondomestic" and insert "noncommercial"; in line 21, strike "(e)" and insert "(f)"; in line 24, after "right" insert "which is subsequent in time"; and in line 25, strike "original" and insert "inferior".

2. On page 3, line 8, after "uses" insert "and which are not supplied through a municipal distribution system"; in line 9, after "(c)" insert "Municipal commercial use shall mean all commercial, manufacturing, and industrial uses supplied through a municipal

distribution system but shall not include high-volume industrial uses; (d)"; in line 10, after "uses" insert "not supplied through a municipal distribution system and"; in line 12, strike "(d)" and insert "(e)", strike "nondomestic" and insert "noncommercial", and after "all" insert "uses"; strike beginning with "agricultural" in line 13 through "water" in line 14; in line 15, strike "uses, but shall not include" and insert "commercial, or"; in line 17 strike "(e)" and insert "(f)"; and in line 21, after the period insert:

"(5) For purposes of determining preferences among the different classes of use set forth in subsection (2) of this section, the definitions in subsection (4) of this section shall apply. For purposes of determining preferences among the different uses supplied through a municipal distribution system, the municipal supplier shall have the authority to allocate the water to which it is entitled in times of shortage without strict adherence to the definitions in subsection (4) of this section if a variance is determined to be in the best interest of the users supplied by the municipal system.".

3. On page 4, line 4, after "for" insert "municipal commercial purposes, who shall have preference over those using the water for"; in lines 7, 8, and 23, strike "nondomestic" and insert "noncommercial"; in line 19, after "uses" insert "and which are not supplied through a municipal distribution system"; in line 20, after "(c)" insert "Municipal commercial use shall mean all commercial, manufacturing, and industrial uses supplied through a municipal distribution system but shall not include high-volume industrial uses; (d)"; in line 21, after "uses" insert "not supplied through a municipal distribution system and"; in line 23, strike "(d)" and insert "(e)" and after "all" insert "uses"; strike beginning with "agricultural" in line 24 through "water" in line 25; and in line 26, after "domestic" insert ", commercial, or" and strike "uses, but shall not include".

4. On page 5, line 1, strike "(e)" and insert "(f)"; in line 5, after the period insert:

"(3) For purposes of determining preferences among the classes of use set forth in subsection (1) of this section the definitions in subsection (2) of this section shall apply. For purposes of determining preferences among the different uses supplied through a municipal distribution system, the municipal supplier shall have the authority to allocate the water to which it is entitled in times of shortage without strict adherence to the definitions in subsection (2) of this section if a variance is determined to be in the best interest of the users supplied by the municipal system.”; and in line 16, after the first comma insert “municipal commercial,” and strike “nondomestic” and insert “noncommercial”.

(Signed) Maurice Kremer, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 215, 410, and 417.

(Signed) Karen Kilgarin, Chairperson

MESSAGES FROM THE GOVERNOR

March 1, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Investment Council, requiring legislative confirmation:

Sheldon J. Harris, 530 Univac Building, Omaha 68106, term expiring September 13, 1986, succeeding Charles E. Blair, term expired.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Sheldon J. Harris
Accountability and Disclosure Commission
Nebraska Investment Council

March 1, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Manufactured Housing Advisory Board, requiring legislative confirmation:

Reappointment:
Harold Dwyer, 109 E. B Street, Hastings 68901, term expiring July 29, 1983;

Appointments:
Von A. Innes, 226 Stuart Building, Lincoln 68508, term expiring July 29, 1982, succeeding William Fenton, term expired;
Tim Lynch, 4801 F Street, Omaha 68117, term expiring July 29, 1982, succeeding Bennard Preis, term expired;
Joe Rogers, 1819 Farnam, Room 402, Omaha 68183, term expiring July 29, 1982, succeeding Clifford Dudley, term expired;
Robert J. Rohde, 400 Essex Court, Regency Circle, Omaha 68114, term expiring July 29, 1982, succeeding Charles Thomsen, term expired;
Rod Tompkins, 420 Douglas, Wayne 67878, term expiring July 29, 1982, succeeding Tom Reeder, term expired;
Martin Huff, 2500 West O, Lincoln 68528, term expiring July 29, 1982, succeeding J. E. Clemens, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: All appointees
Accountability and Disclosure Commission
Manufactured Housing Advisory Board

ATTORNEY GENERAL'S OPINIONS

Opinion No. 208
February 26, 1982

Dear Senator Wesely:

In response to your request for an opinion from this office, dated January 28, 1982, in regard to the need for the Consumer Protection Act to apply to loan brokers in addition to Neb.Rev.Stat. §§45-189 to 45-193 (Supp. 1981), please be advised that it is the opinion of this office that the Consumer Protection Act should continue to be applicable to loan brokers. In light of our previous response to you in this matter, the possibility exists that a court would hold that a particular activity sought to be stopped pursuant to an action brought under the Consumer Protection Act was already regulated by the Department of Banking and Finance pursuant to Neb.Rev.Stat. §§45-189 et seq. (Supp. 1981), thereby exempting the activity from the coverage of the Consumer Protection Act, even though the Department of Banking and Finance had questionable authority to regulate the particular activity involved.

Although as a practical matter, due to the financial constraints on this office and the limited staff of the Consumer Protection Division of this office, the regulation of loan brokers will be primarily left to the Department of Banking and Finance, there are situations imaginable where the ability of the Attorney General's Office to use civil investigative demands and to seek civil penalties, for which provision is made in the Consumer Protection Act, would be more effective in achieving the desired ends than would the investigatory and enforcement capabilities legislatively authorized for the Department of Banking and Finance under §§45-189 et seq.

If we can be of any further assistance, please advise.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 209
March 2, 1982

Dear Senator V. Johnson:

You have asked our opinion as to the constitutional validity of LB 665, which would permit a taxpayer entitled to a refund from the Tax Refund Fund, pursuant to Neb.Rev.Stat. §77-27,132 (Reissue 1976), to designate a portion of the refund to be paid as a contribution to the United States Olympic Committee. Section 3 of the bill provides that the Tax Commissioner shall annually transfer to the United States Olympic Committee the total of the amounts so designated.

There are several possible constitutional problems with the bill, but we believe it is necessary to explore only one, that of unreasonable class legislation. The bill would lend the assistance of the state to the fund-raising activities of one organization, and no others. Article III, Section 18 of the Nebraska Constitution prohibits special legislation, and specifically prohibits granting to any corporation, association, or individual any special or exclusive privileges, immunity or franchise. Quite obviously this bill would put the United States Olympic Committee in a special class, and facilitate and promote its fund-raising activities. Worthy as its goals may be, the United States Olympic Committee is not, in the eyes of the law, in a different class, so far as this type of legislation is concerned, from the multitude of other charitable organizations. We are of the opinion that the court would hold the bill invalid on that ground.

There is also a serious question as to whether having the State Treasurer and the Tax Commissioner collect contributions to a private organization, and hold them in trust in the state treasury, is a proper governmental function. If this were a general law, we would explore that question, but in view of the class legislation problem, we do not believe it is necessary to do so.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
t5
cc: Patrick O'Donnell
Clerk of the Legislature

March 2, 1982

Dear Senator DeCamp:

After receiving our Opinion No. 202, dated February 22, 1982, concerning the validity of LB 898, you again contacted us for clarification about our position on the bill.

LB 898 would extend the present provisions for the distribution of 70 million dollars in state aid to political subdivisions for another year, fiscal year 1982-83. In our Opinion No. 202 we expressed some qualms about this extention. However, this is not to say that we would bring an action challenging the constitutionality of the bill, as we did with respect to LB 882 and LB 284. We believe that a tenable argument can be made that LB 898 has a rational basis, and, if it is passed, and attacked by some taxpayer or political subdivision, we would expect to defend it. All we intended to say in our February 22 opinion was that the outcome of such a suit might be doubtful. This, of course, is true with respect to many lawsuits.

Very truly yours,
(Signed) PAUL L. DOUGLAS
Attorney General

PLD:jmf
tl
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT COMMITTEE REPORT
Enrollment and Review

Enrollment and Review Change to LB 604

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 604:

1. On page 2, line 5, paragraphing has been supplied to subdivision (1) as in the statutes.
2. On page 3, line 6, "subsection" has been stricken and "~~subsection~~ subdivision" has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2647.)

REPORT

Received report from Policy Research Office pursuant to Section 84-156, R. S. Supp. 1981.

MOTION - Approve Appointments

Mr. DeCamp moved the adoption of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 777: Rosemary Hannam.

Voting in the affirmative, 35:

Apking
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 7:

Barrett
Chambers
Haberman
Higgins
Labedz
Lamb
Von Minden

Excused and not voting, 7:

Beutler
Burrows
Kilgarin
Kremer
Schmit
Sieck
Wiitala

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Nichol moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 827: Doris Collins, Colonel E. J. Kohmetscher.

Voting in the affirmative, 33:

Apking
Barrett
Beyer
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Labedz
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Wagner
Warner
Wesely

Voting in the negative, 0.

Present and not voting, 10:

Carsten
Chambers
Chronister
Higgins
Kahle
Lamb
Peterson, R.
Remmers
Vickers
Von Minden

Excused and not voting, 6:

Beutler
Burrows
Kilgarin
Kremer
Sieck
Wiitala

The appointments were confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 816: Cal Solem, Fred Gottschalk.

Voting in the affirmative, 30:

Apking
Barrett
Beutler
Beyer
Clark
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Koch
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Wagner
Wesely

Voting in the negative, 0.

Present and not voting, 14:

Carsten
Chambers
Chronister
Cope
Dworak
Higgins
Johnson, V.
Labedz
Lamb
Remmers
Schmit
Vickers
Von Minden
Warner

Excused and not voting, 5:

Burrows	Kilgarin	Kremer	Sieck	Wiitala

The appointments were confirmed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

C. Mickey Skinner - Game and Parks Commission

The motion was made by Senator H. Peterson, seconded by Senator Pirsch, to approve the appointment. The motion was passed unanimously.

Voting aye: Senators Labedz, Apking, Carsten, Higgins, H. Peterson, Pirsch, and Vickers.

(Signed) Bernice Labedz, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 232.

RESOLUTIONS

LEGISLATIVE RESOLUTION 227. Read. Considered.

LR 227 was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 228. Read. Considered.

Miss Kilgarin asked unanimous consent to have her name added as co-introducer to LR 228. No objections. So ordered.

LR 228 was adopted with 33 ayes, 3 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 222. Read. Considered.

Mr. Chambers requested a roll call vote on the adoption of LR 222.

Voting in the affirmative, 9:

Beyer
Chambers
DeCamp
Dworak
Marsh
Marvel
Remmers
Schmit
Vickers

Voting in the negative, 28:

Apking
Barrett
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 11:

Beutler
Burrows
Carsten
Chronister
Fowler
Haberman
Higgins
Johnson, V.
Kilgarin
Sieck
Wesely

Excused and not voting, 1:

Kremer

LR 222 failed with 9 ayes, 28 nays, 11 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 547, 590, and 590A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 547

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 547:

On page 9, line 14, "in" has been inserted after "section".

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 849. Placed on General File.

(Signed) Chris Beutler, Vice Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 839. Placed on General File.

LEGISLATIVE BILL 686. Placed on General File as amended.
Standing Committee amendments to LB 686:
Req. #2746

1. Insert the following new sections:

"Sec. 10. That section 53-164.01, Revised Statutes Supplement, 1981, be amended to read as follows:

53-164.01. Payment of the tax provided for in section 53-160 on alcoholic liquors shall be paid by the manufacturer or distributor as herein provided. All aforesaid manufacturers or distributors, whether within or without this state, shall, on or before the twenty-fifth day of each calendar month commencing on the twenty-fifth day of the calendar month following the month in which the aforesaid shipments are made, make a report under oath to the Nebraska Liquor Control Commission upon forms to be furnished by the Nebraska Liquor Control Commission for the purpose of showing the exact total amount in gallons of alcoholic liquors or fractional parts thereof shipped by such aforesaid manufacturer or distributor whether within or without the State of Nebraska, during the preceding calendar month. Such report shall also contain a statement of the exact total amount in gallons, or fractional parts thereof, of alcoholic liquors, except beer, shipped to holders of retailer's licenses within this state. All reports submitted by such manufacturer or distributor, as required by the provisions of this section, shall contain such other information as the Nebraska Liquor Control Commission may require. The manufacturer or distributor shall, at the time of the filing of the report, pay to the Nebraska Liquor Control Commission the amount of the tax due on beer shipped to distributors within this state and on alcoholic liquors, except beer, shipped to holders of retailer's licenses within this state at the rate fixed in accordance with the provisions of section

53-160; said tax to be due on the date the aforesaid report is due, less a discount of one per cent of such tax on alcoholic liquors as defined by subdivision (6) of section 53-103, and which discount shall be deducted from the payment of such tax before remittance thereof to the Nebraska Liquor Control Commission, which discount shall be shown in such report to the Nebraska Liquor Control Commission as required in this section, and which discount shall be a commission for the making of such report, for the timely payment of such tax, but if such tax is not paid within the time provided herein, then such discount shall not be allowed and the same shall not be deducted from the payment of such tax.

A penalty of ten per cent of the amount of the tax shall be collected by the Nebraska Liquor Control Commission if the aforesaid report is not filed by the twenty-fifth day of the calendar month or if the tax is not paid to the Nebraska Liquor Control Commission by the twenty-fifth day of the calendar month and in addition thereto, interest on the tax shall be collected at the rate of one per cent per month, or fraction of a month, from the date the tax became due until paid.

No tax shall be levied or collected on alcoholic liquors manufactured within the State of Nebraska and shipped or transported outside the State of Nebraska for sale and consumption outside the State of Nebraska.

In order to insure the payment of all state taxes imposed by law on alcoholic liquors together with all interest and penalties thereon, all persons required to make reports and payment of such tax shall first enter into a surety bond with corporate surety, both such bond form and surety to be approved by the Nebraska Liquor Control Commission. In lieu of such corporate surety bond, there may be filed a personal bond in such form as the commission may prescribe and secured by the pledge of property having a net value over and above any encumbrance or encumbrances thereon at least double the amount of the bond required. Subject to the limitations hereinafter specified, the amount of such bond required of any taxpayer shall be fixed by the Nebraska Liquor Control Commission and may be increased or reduced by it at any time; Provided, that in fixing the amount, the Nebraska Liquor Control Commission shall require a bond in a total amount equal to the amount of the taxpayer's estimated maximum monthly excise tax, ascertained in such manner as the Nebraska Liquor Control Commission may deem proper; and provided further, nothing contained in this section shall be construed to prevent or prohibit the commission from accepting and approving bonds which run for a term longer than the license period. In any event, the amount of such bond required of any one taxpayer shall not be less than one thousand dollars. ~~nor more than three hundred thousand dollars.~~ These bonds shall be filed with the Nebraska Liquor Control Commission.

No person shall order or receive alcoholic liquors in this state which have been shipped directly to him or her from outside this state by any person other than a holder of a permit for a license year issued by the Nebraska Liquor Control Commission. The Nebraska Liquor Control Commission may issue such permits to manufacturers which shall allow the permittee to ship alcoholic liquors to and only to holders of a distributor's license issued under the provisions of this section. A fee of two hundred dollars shall be charged by the Nebraska Liquor Control Commission for each permit issued. The application for such permit and the permit shall be in such form as the Nebraska Liquor Control Commission shall prescribe. The application shall contain all such provisions as the Nebraska Liquor Control Commission shall deem proper and necessary to effectuate the purpose of any section of the Liquor Control Act and the rules and regulations of that commission that apply to manufacturers, and shall include, but without limitation by reason of this special mention, a provision that the permittee in consideration of the issuance of a permit, agrees:

(1) To comply with and be bound by the provisions of this section pertaining to the making and filing of a bond and making and filing of returns, the payment of taxes, penalties, interest, and the keeping of records;

(2) That he or she will permit and be subject to all of the powers granted by the provisions of this section to the Nebraska Liquor Control Commission or its duly authorized employees or agents for inspection and examination of his or her premises and his or her records; and to pay his or her actual expenses excluding salary, reasonably attributable to such inspections and examinations made by duly authorized employees of the Nebraska Liquor Control Commission, if within the United States; and

(3) If any such permittee violates any of the provisions of his or her application or of the provisions of any section of the Liquor Control Act, or the rules and regulations of the Nebraska Liquor Control Commission that apply to manufacturers, the Nebraska Liquor Control Commission may revoke or suspend such permit for such period of time as it may determine.

Where a manufacturer or distributor shall sell and deliver beer upon which the tax has been paid to any instrumentality of the armed forces of the United States engaged in resale activities as provided in section 53-160.01, the manufacturer or distributor shall be entitled to a credit in the amount of the tax paid upon such beer sold and delivered to such person or persons in the event no tax is due on said beer as provided in section 53-160.01, and the amount of said credit, if any, shall be deducted from the tax due on the following monthly report, as provided by the provisions of this section to be filed, or shall be allowed as a credit on subsequent reports until liquidated.

Sec. 11. That section 53-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-179. (1) No alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 1:00 a.m. Sunday and 6:00 a.m. Sunday. No alcoholic liquors for consumption on the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday; and no alcoholic liquors for consumption off the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 12:00 midnight Sunday; Provided, that such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation as defined in section 53-103 and is the holder of a license issued under the provisions of either subdivision (5) C. or subdivision (5) H. of section 53-124. The permissible hours for the sale of alcoholic liquors, including beer, at retail or the dispensing thereof on Sunday, if allowed, by other than a nonprofit corporation licensee, within the corporate limits of cities and villages, shall be governed by ordinance of the local governing body; and outside the corporate limits of cities and villages, as shall be determined by resolution of the county board as provided more fully in subsection (2) of this section.

(2) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between 1:00 a.m. and 6:00 a.m.; Provided, that the local governing body of any city or village, in respect to the licensees within the corporate limits of cities or villages, or the county board, in respect to licensees outside the corporate limits of cities or villages, may require closing prior to 1:00 a.m. by ordinance or resolution on any day, including Sundays.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption ~~after~~ between the hours of 1:15 a.m. and 6:00 a.m. on any

day; Provided, that where any city or village provides by law for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour.

(4) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section. During such days and hours, alcoholic beverages shall not be visible to the public and shall be made inaccessible to the public by removing them from that portion of the premises licensed pursuant to subdivision (5) B, D, or E of section 53-124 open to the public or securing them in locked storage or display containers.''.

2. On page 23, line 23, strike "by" and insert "made under"; and in line 24, strike "corporation licensed by Chapter 53" and insert "license".

3. On page 24, line 19, after the second comma insert "53-179,"; in line 20, strike "and"; and in line 22, before "are" insert "and section 53-164.01, Revised Statutes Supplement, 1981,".

4. Renumber original sections 10 and 11 as sections 12 and 13 respectively.

(Signed) Elroy Hefner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 626. Title read. Considered.

Messrs. Lamb and Barrett moved to indefinitely postpone LB 626.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett moved for a Call of the House. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Barrett requested a roll call vote on the Lamb-Barrett motion.

Voting in the affirmative, 20:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Goll
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Peterson, R.

Remmers
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 26:

Beutler
Burrows
Cullan
DeCamp
Dworak
Fenger
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Warner
Wesely
Wiitala

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kremer
Nichol

The Lamb-Barrett motion lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Marsh requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Burrows
Cullan
DeCamp
Dworak
Fenger
Fowler
Goodrich
Haberman
Hoagland
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Duda
Goll
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Lamb
Peterson, R.
Remmers
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 2:

Chambers Clark

Excused and not voting, 2:

Kremer Nichol

Advanced to E & R for Review with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

EXPLANATION OF VOTE

Had I been present on Thursday, February 25, I would have voted aye on the following bills on Final Reading: LB 685, LB 834, LB 139.

(Signed) Jerry Koch

MOTION - Reconsider LB 421

Mr. DeCamp moved to reconsider the vote on Final Reading of LB 421.

Laid over.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendments to LB 881:

1. On page 2, line 23, strike beginning with "all" through "1982" and insert "the calendar years 1982 and 1983"; and in line 25, strike "five" and insert "seven".
2. On page 3, strike beginning with "all" in line 26 through "1982" in line 27 and insert "the calendar years of 1982 and 1983".
3. On page 4, line 1, strike "five" and insert "seven".

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 233.

Introduced by Schmit, 23rd District.

WHEREAS, Nebraska has responsibilities regarding management and disposal of low-level radioactive waste generated by nonfederal activities within its borders; and

WHEREAS, one of the major options under which low-level radioactive waste can be safely and efficiently managed and disposed of on a regional basis is through legislation relating to regional interstate compacts; and

WHEREAS, Nebraska representatives have met and negotiated with two groups of states in the development of such compact legislation which groups included the Mid-West Compact Group of Delaware, Maryland, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Virginia, and Wisconsin, and the Central Interstate Group of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, and Oklahoma; and

WHEREAS, the Low-Level Radioactive Waste Policy Act, P.L. 96-573, authorizes compact regions to restrict the use of disposal facilities to waste generated within the region by January 1, 1986; and

WHEREAS, in order for Nebraska to provide a facility for its generators of low-level radioactive waste, it is necessary that compact legislation be introduced by the next legislative session supporting one of the two groups of states Nebraska has been negotiating with; and

WHEREAS, Nebraska can more readily identify with the states comprising the Central Interstate Group because of similarities in geographic location and the volume of low-level waste generated by each central state; and

WHEREAS, Nebraska's eligibility to join the Central Interstate Group terminates on January 1, 1984.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature urges the State of Nebraska to align itself with a group of states for the proper management of low-level radioactive waste.
2. That the State of Nebraska declares it will join the Central Interstate Group and support compact legislation during its next legislative session.

Laid over.

LEGISLATIVE RESOLUTION 234.

Introduced by Goodrich, 20th District.

WHEREAS, the Legislature wishes to make known its care and concern for the victims of crime who may remain unknown or be forgotten; and

WHEREAS, the efforts by the State of Nebraska to provide compensation for victims of crimes deserve recognition; and

WHEREAS, public attention has often been focused upon the criminal defendants, but not upon their innocent victims; and

WHEREAS, such a practice causes victims to feel antagonism and resentment against our American system of justice and causes society as a whole to view the serious problem of crimes in an emotionally charged atmosphere; and

WHEREAS, the criminal justice system needs to be resensitized to the plight of the victims of crime; and

WHEREAS, the Legislature wishes to encourage public awareness of the needs of victims of crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature acknowledge the plight of crime victims, and that other states have expressed their concern by establishing the week of April 26th as Forgotten Victims Week.
2. That the Legislature hereby declares the week of April 26 to May 1, 1982, to be Forgotten Victims Week in Nebraska.

Laid over.

SPEAKER MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

Standing Committee amendments, Req. #2607, printed separate from the Journal and referred to on page 537 were considered.

Mr. Goll offered the following amendment to the Standing Committee amendments:

(White Copy Req. 2607)

1. On page 1, line 14, strike “two” and insert “three”; in line 15 strike beginning with “a” through “VI” and insert “any”; strike beginning with “and” in line 16 through the first “years” in line 17; and in line 18 strike the first underscored comma.

2. On page 7, line 17, strike “hearing before” and insert “conference with”; and in lines 18 and 25 strike “hearing” and insert “conference”.

3. On page 8, line 5, strike “hearing” and

insert "conference".

4. On page 10, line 5, after "hearings" insert "and conferences"; strike beginning with the underscored comma in line 6 through "hearings" in line 7; in line 9 before the first "hearing" insert "the", and after "hearing" each time it appears insert "or conferences"; in line 10 after "hearings" insert "or conferences; in line 11 after "for" insert "the" and after "hearing" insert "or conference"; and in line 13 after "hearings" insert ", conferences,".

5. On page 11, line 20, strike "Hearings" and insert "Conferences"; and in line 25 strike "hearings before" and insert "conferences with".

6. On page 12, line 5, strike "hearings" and insert "conferences"; in lines 11, 15, 17, 21, 22, and 25, strike "hearing" each time it occurs and insert conference".

7. On page 13, line 2, after "hearing" insert "or conference".

MR. CLARK PRESIDING

Speaker Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dworak requested a division of the question on the Goll amendment.

The Chair sustained the division of the question.

The first Goll amendment is as follows:

1. On page 1, line 14, strike "two" and insert "three"; in line 15 strike beginning with "a" through "VI" and insert "any"; strike beginning with "and" in line 16 through the first "years" in line 17; and in line 18 strike the first underscored comma.

Mr. Koch moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Koch requested a roll call vote on the Goll amendment (1).

Voting in the affirmative, 24:

Barrett
Beyer
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 22:

Apking
Beutler
Burrows
Carsten
Chambers
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Sieck
Vickers
Wesely
Wiitala

Excused and not voting, 2:

Kremer
Marvel

Absent and not voting, 1:

Schmit

The Goll amendment (1) was adopted with 24 ayes, 22 nays, 2 excused and not voting, and 1 absent and not voting.

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 623 in the Journal. No objections. So ordered.

1. In the DeCamp amendments on page 610 of the Journal, page 1, line 9, strike "a mortgage on"; in line 10 after "made" insert "(a)"; in line 12 strike "or" and insert ", (b)" and strike "banking" and insert "bank"; in line 14 strike "or and Farmers Home" and insert ", or (c) by any lender approved by the Federal Housing"; and in line 15 strike "approved lender".

2. In the Enrollment and review amendment, page 1, strike beginning with "line" in line 1 through the second "and" in line 2.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 847. Placed on General File as amended.
Standing Committee amendment to LB 847:

1. On page 9, line 10, after the period insert "Such a bond shall particularly describe the location of the warehouse intended to be covered thereby. In no such event shall the liability of the surety accumulate for each successive license period during which the bond is in force, but shall be limited in the aggregate to the

amount stated on the bond or changed by appropriate rider or endorsement.”.

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 787. Placed on General File as amended.
Standing Committee amendments to LB 787:
Req. #2741

1. Insert the following new section:

“Sec. 19. That section 43-2,125, Revised Statutes Supplement, 1981, be amended to read as follows:

43-2,125. Whenever any judge of a separate juvenile court shall be disabled or disqualified to act in any cause before him or her, or shall be temporarily absent from the county, the presiding judge of the district court ~~shall~~ may designate and appoint a judge of the district court to serve during such absence or disqualification; or the Chief Justice of the Supreme Court, in the same matter as described in section 24-516, may designate and appoint a judge of any juvenile court as defined in subdivision (4) of section 43-245 to serve as judge of the separate juvenile court during such absence or disqualification.”.

2. On page 3, line 10, strike “separate” and show as stricken; strike beginning with “courts” in line 10 through the second “courts” in line 11, show as stricken, and insert “court”; in line 14, strike “and” and show as stricken; in line 19, strike “brought” and insert “occasioned” and strike “separate”, and show as stricken; strike beginning with the first “courts” in line 20 through “otherwise” in line 21, show as stricken, and insert “court”; in line 22, strike “and municipal courts” and show as stricken; and in line 24, strike the comma and insert “~~,~~. The juvenile court shall have concurrent original jurisdiction with the district court, county court, and municipal court as to”.

3. On page 4, line 9, after “act” insert “other than a traffic offense”; and strike beginning with “other” in line 10 through “infraction” in line 11 and show as stricken.

4. On page 27, line 20 strike the first “and” and after the first comma insert “and 43-2,125,”.

5. Renumber original sections 19 and 20 as sections 20 and 21 respectively.

(Signed) William E. Nichol, Chairperson

VISITORS

Visitors to the Chamber were 55 fourth grade students and teacher from Westmont Elementary, Papillion; 20 seniors and teacher from Coleridge High School; and 25 students and teacher from Palmyra.

RECESS

At 12:01 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kremer who was excused; and Miss Kilgarin, Mesdames Higgins, Labedz, Messrs. Carsten, Hoagland, Lamb, Schmit, Wesely, and the Appropriations Committee who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 259. Considered.

The second Goll amendment is as follows:

2. On page 7, line 17, strike "hearing before" and insert "conference with"; and in lines 18 and 25 strike "hearing" and insert "conference".

3. On page 8, line 5, strike "hearing" and insert "conference".

4. On page 10, line 5, after "hearings" insert "and conferences"; strike beginning with the underscored comma in line 6 through "hearings" in line 7; in line 9 before the first "hearing" insert "the", and after "hearing" each time it appears insert "or conferences"; in line 10 after "hearings" insert "or conferences; in line 11 after "for" insert "the" and after "hearing" insert "or conference"; and in line 13 after "hearings" insert ", conferences,".

5. On page 11, line 20, strike "Hearings" and insert "Conferences"; and in line 25 strike "hearings before" and insert "conferences with".

6. On page 12, line 5, strike "hearings" and insert "conferences"; in lines 11, 15, 17, 21, 22, and 25, strike "hearing" each time it occurs and insert

conference".

7. On page 13, line 2, after "hearing" insert "or conference".

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 7 nays, and 22 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Koch requested a roll call vote on the Goll amendment (2).

MR. CLARK PRESIDING

Voting in the affirmative, 23:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Voting in the negative, 24:

Beutler
Burrows
Chambers
DeCamp
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Excused and not voting, 2:

Dworak
Kremer

The Goll amendment (2) lost with 23 ayes, 24 nays, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment to the Standing Committee amendments:

Amend Section (5), subsection (2) by addition—after line 14 add:

All probationary certificated employees employed by Class I, II, III, and VI school districts shall, during each year of probationary employment, be evaluated at least once each semester in accordance with the procedures outlined below.

(A) The probationary employee shall have been observed and evaluation shall have been based upon actual classroom observations for an entire instructional period. Should deficiencies be noted in the work performance of any probationary employee the evaluator shall provide the teacher or administrator at the time of the observation with a list of deficiencies, a list of suggestions for improvement and assistance in overcoming the deficiencies, and follow up evaluations and assistance where deficiencies remain.

Any certificated employee, employed prior to the effective date of this act, by the school board of any Class I, II, III or VI school district shall serve the probationary period required by law prior to the passage of this act and shall not be subject to any extention of probation.

The Koch amendment was adopted with 23 ayes, 6 nays, 12 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Messrs. Koch, Wiitala, Vickers, and Beutler asked unanimous consent to withdraw the pending amendment, Req. #2514, printed separate from the Journal and referred to on page 289. No objections. So ordered.

Mr. Haberman renewed his pending amendment, Req. #2651, found in the Journal on page 745.

Mr. Haberman moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Apking
Beyer
Carsten
Chronister
Clark
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden

Voting in the negative, 22:

Barrett
Beutler
Burrows
Cope
Cullan
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Marvel
Newell
Rumery
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 2:

Chambers
Sieck

Excused and not voting, 1:

Kremer

The Haberman amendment lost with 24 ayes, 22 nays, 2 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 833. No objections. So ordered.

Advanced to E & R for Review with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 740A. By Revenue Committee: Carsten, 2nd District, Chairperson; Hefner, 19th District; Newell, 13th District; Kahle, 37th District; H. Peterson, 35th District.
This bill introduced on behalf of: LB 740.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 740, Eighty-seventh Legislature, Second Session, 1982.

RESOLUTIONS

LEGISLATIVE RESOLUTION 235.

Introduced by Kremer, 34th District; Vickers, 38th District.

WHEREAS, the right to vote is among those most cherished by Americans in general and Nebraskans in particular, and

WHEREAS, Nebraska's system of public power relies on ratepayer's participation in existing governing boards for accountability, and

WHEREAS, in certain areas and situations ratepayers are prevented from participation due to service area boundary and voting area boundary differences, and

WHEREAS, in certain other areas and situations, non-ratepayers do participate in governing the power agency due to differences in voting area and service area boundaries;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee undertake an examination of the voting structure of public power systems in Nebraska in order to determine whether changes in state law or individual boundaries are needed in order to more fully involve ratepayers in control of the public power systems which service them.
2. That the Public Works Committee make a report of their findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 236.

Introduced by Fowler, 27th District; Beutler, 28th District; Burrows, 30th District.

WHEREAS, the current fiscal situation in this state has become of great concern to the members of the Legislature and the people of Nebraska; and

WHEREAS, the Nebraska Department of Revenue now acknowledges that fiscal year 1981-82 revenues will be significantly lower than previously expected; and

WHEREAS, this decline in FY1981-82 revenues foreshadows lower-than-anticipated receipts for FY1982-83; and

WHEREAS, individual income tax refunds for FY1981-82 may be higher than projected, resulting in further erosion of the General Fund balance; and

WHEREAS, the General Fund balance at the end of February was $29.4 million, $37.8 million less than predicted in the November Report to the Board of Equalization; and

WHEREAS, significant changes in federal tax laws have caused, and will continue to cause, reduced tax receipts in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urge Governor Thone to call an emergency meeting of the State Board of Equalization for the purpose of immediately adjusting tax rates to reflect the current fiscal situation and changes in federal tax law.
2. That tax rates be set by the Board of Equalization to account for revenue reductions due to federal tax cuts for fiscal years 1981-82 and 1982-83.
3. That tax rates be set by the Board of Equalization to provide adequate funding for the operation of state government and aid to political subdivisions.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis, Hoagland, Newell, Beutler, and Fenger asked unanimous consent to print the following amendment to LB 359 in the Journal. No objections. So ordered.

(Amendments to White Copy Req. 2526)

1. On page 1, line 8, strike "three" and insert "one".
2. On page 3, line 16, strike "three" and insert "one"; and in lines 17 and 20, after "Tuesday" insert "after the second Monday".
3. On page 4, line 26, strike "at least forty-five" and insert "not later than twenty".
4. On page 8, lines 17, 23, and 27 strike "three" and insert "one".
5. On page 9, lines 12 and 23, strike "three" and insert "one"; strike the new matter in lines 17 and 18; and in line 22 strike "4" and insert "5".
6. Insert the following new section:

"Sec. 4. For purposes of sections 31-735, 31-735.01, and 31-735.02 a sanitary and improvement district shall be deemed to be located in a county with a population of one hundred thousand or more if the greater proportion in area of the district is located in such county.".

7. On page 10, line 24, strike "5" and insert "6".
8. Strike the E & R amendments.
9. In the title, line 2, strike "31-735" and insert "31-735.01"; and in line 3 after the second comma

insert "and section 31-735, Revised Statutes Supplement, 1981,".

ATTORNEY GENERAL'S OPINION

Opinion No. 210
February 26, 1982

Dear Senator Labedz:

By letter dated February 22, 1982, you requested an opinion from this office in connection with LB 138 and LB 531, each of which would amend the Nebraska Constitution with respect to salaries to be paid state legislators. Essentially, you ask whether the placing of the constitutional amendment encompassed by LB 531 before the voters in the 1982 general election can be conditioned on voter disapproval in the 1982 primary election of the amendment which is the subject of LB 138. Apparently, the condition would be contained in LB 531. We believe that the bill can be so conditioned for the following reasons.

The paramount authority with respect to the manner in which the Legislature may propose amendments to the State Constitution is the Constitution itself, principally Article XVI, Section 1. We note that said provision does not specify any particular method or manner of proposing and submitting constitutional amendments, but is specific only in requiring that three-fifths of the elected legislators approve a proposed amendment, that it be entered on the journal along with the vote, and that it be published in a certain manner prior to the popular vote. On the basis of this provision alone, our Supreme Court has held:

> It is not the duty of the court to suggest methods of submitting constitutional amendments to the vote of the people. The duty of devising and applying such methods is devolved upon the legislature, and unless the method adopted by the legislature is manifestly a violation of the constitution, and unless it clearly appears that the method adopted by the legislature will not make it practicable for the voters to express their judgment as to each amendment proposed, the courts are not at liberty to disregard the will of the legislature.

State v. Winnett, 78 Neb. 379, 394, 110 N.W. 1113 (1907). See, also, Weston v. Ryan, 70 Neb. 211, 97 N.W. 347 (1903).

Viewed in the above light, we believe that the bills in question need not manifest the normal requisites of validity which are required in the case of other legislative enactments. In fact, previous opinions from this office, the most recent of which is attached hereto, have pointed out that while it has been the practice of the Legislature of late to submit constitutional amendments by bill, such is not required. Resolutions were employed in past years.

If it is the will of the Legislature that the amendments contained in LB 531 not be proposed if those contained in LB 138 are first considered and approved by the voters, we find no prohibition in the Constitution against the inclusion of a condition to that effect in LB 531. We are not unmindful of the existence of Neb.Rev.Stat. §§49-201, et seq. (Reissue 1978), but inasmuch as those statutes seem to us to simply restate Article XVI, Section 1, at least with respect to this issue, they compel no different conclusion.

We hasten to point out that not all of the steps leading to proposal, voter approval, and implementation of constitutional amendments are discretionary matters. Not only does Article XVI, Section 1, provide a few specific requirements, but others are contained in Article III, Section 4, and our Supreme Court has held that these two provisions must be read together. Swanson v. State, 132 Neb. 82, 271 N.W. 264 (1937). Additionally, Article IV, Section 8 of the Constitution precludes the Legislature from considering a constitutional amendment during a special session unless that very matter was specified as an item of business in the gubernatorial proclamation calling for the session. State ex rel. Douglas v. State Board of Equalization and Assessment, 205 Neb. 130, 140-145, 286 N.W.2d 729 (1979). However, the dictates of these provisions do not bear on the method by which the Legislature proposes any particular constitutional amendment and have no application in resolving your inquiry.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC/cmb/fl
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 890. Placed on General File.

LEGISLATIVE BILL 582. Placed on General File as amended.
Standing Committee amendment to LB 582:
1. On page 5, line 24, strike "1982" and insert "1983".

LEGISLATIVE BILL 954. Indefinitely postponed.

(Signed) Calvin F. Carsten, Chairperson

GENERAL FILE

LEGISLATIVE BILL 774. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 616. Mr. Fenger requested to have LB 616 passed over.

LEGISLATIVE BILL 609. Title read. Considered.

Standing Committee amendments found in the Journal on page 560 for the Twentieth Day were adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Barrett and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 522. Title read. Considered.

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 917. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
Req. #2757

1. Strike original section 42 and insert the following new section:

"Sec. 42. That section 68-1022, Revised Statutes Supplement, 1981, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be ~~eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, and thereafter, the county shall pay fourteen per cent of the~~

~~cost of such medical assistance. If a recipient has no county legal settlement~~ (1) fourteen per cent commencing July 1, 1981, (2) twelve per cent commencing July 1, 1983, (3) ten per cent commencing July 1, 1984, (4) eight per cent commencing July 1, 1985, (5) six per cent commencing July 1, 1986, (6) four per cent commencing July 1, 1987, and (7) two per cent commencing July 1, 1988. Commencing July 1, 1989, and thereafter, medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.".

2. On page 34, line 12, strike "1982" and insert "1983"; in line 22, strike "68-109" and insert "68-108"; and in line 27, strike "1980" and insert "1981".

3. Strike the Standing Committee amendments.

Mr. Chambers asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Kahle offered the following amendment to the V. Johnson amendment:

That county control not be ended until the State picks up the entire cost of the welfare program.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 0 nays, and 29 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 8 ayes, 3 nays, and 38 not voting.

Mr. V. Johnson requested a roll call vote on the Kahle amendment to the V. Johnson amendment.

Voting in the affirmative, 19:

Apking
Beyer
Chronister
Clark
Cope
DeCamp
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Stoney
Von Minden
Wagner

Voting in the negative, 21:

Beutler
Burrows
Carsten
Cullan
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Marvel
Newell
Remmers
Vickers
Warner
Wesely
Wiitala

Present and not voting, 4:

Duda
Pirsch
Rumery
Sieck

Excused and not voting, 5:

Barrett
Chambers
Goodrich
Kremer
Schmit

The Kahle amendment lost with 19 ayes, 21 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. V. Johnson requested a roll call vote on the V. Johnson amendment.

Voting in the affirmative, 21:

Beutler
Burrows
Clark
Cullan
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner

Excused and not voting, 4:

Chambers
DeCamp
Kremer
Warner

The V. Johnson amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. Barrett announced an executive session of the Business and Labor Committee Thursday, March 4, 1982 at 10:30 a.m. in the William H. Hasebroock Memorial Hearing Room.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

1. On page 7, line 27, strike "one thousand two" and insert "eight".
2. On page 8, line 1, reinstate "two", strike "four", and after "hundred" insert "fifty".

Mr. Schmit asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

1. On page 8, line 21 before "or" insert: "(3) a bank holding company as defined or referred to in 12 U.S.C. 1842(d), as amended, which is incorporated and domiciled in a state contiguous to Nebraska, and which state authorizes the acquisition or control of banks in that state by bank holding companies incorporated and domiciled in Nebraska," and in line 21 strike "(3)" and insert "(4)".
2. On page 9, line 22, strike "existing", and after "company" insert "as described in this section".
3. On page 10, line 3 after the underscored period insert "An out-of-state bank holding company as described in subdivision (3) of this section shall be allowed to own or control not more than four banks located in the State of Nebraska commencing on January 1, 1984, and thereafter the maximum number of banks that such an out-of-state bank holding company may own or control shall be increased by one each year beginning January 1, 1985, up to a maximum number of nine such banks on December 31, 1989, or thereafter."; in line 3 strike "existing"; in line 4 after "in" insert "subdivision (4) of"; and strike beginning with "be" in line 4 through "increased" in line 9 and insert "not be allowed to own or control any additional banks during the period commencing on the effective date of this act through December 31, 1983, but such an out-of-state bank holding company may increase the banks it owns or controls".

Mr. Koch asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

Strike the original bill and all amendments thereto and insert the following:

Section 1. That section 79-403, Reissue Revised Statutes of Nebraska, 1943, be amended as follows:

79-403. (1) Any freeholder or freeholders, person in possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefore may file a petition with the State Board of Education asking to have any tract or tracts of land described therein set off from a Class I, II, III, or VI district in which it is situated and attached to some other district in the petitioner's county of residence or a county adjoining thereto for the purpose of providing a better education for school children. The best educative interest of the petitioner or petitioners shall require a showing of significant differences in the class, accreditation, leadership, management, curricula and/or efficiency of the schools involved. The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That the land therein described is either owned by the petitioner or petitioners or that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefore and that such tract or tracts includes all such contiguous land owned or controlled by each such petitioner; (b) that the district to which the land is to be attached is located in the petitioner's county of residence or a county adjoining thereto; and (c) that the land proposed to be attached has children of school age who have resided thereon with their parents or guardians for not less than forty days prior to filing the petition; and (d) that such petition is approved by a majority of the members of the school board or board of education of the district to which such land is sought to be attached.

The State Board of Education may, after a public hearing on the petition, thereupon change the boundaries of the districts so as to set off the land described in the petition and attach it to such adjoining district as is called for in the petition whenever the State Board of Education deems it in the best educational interest of the children of the petitioner or petitioners so to do. Notice of the filing of the petition and hearing thereon before the State Board of Education shall be given at least ten days prior to the date of such hearing by one publication in a legal newspaper of general circulation in each district, which notice shall designate the territory to be transferred. When the tract or tracts of land attached is not contiguous to the receiving district, the transportation allowance provisions of section 79-490 shall not extend beyond the boundary line that existed prior to the attachment of such tract or tracts.

Appeals may be taken from the action of the State Board of Education to the district court of the county in which the real estate is located within twenty days after entry of such action on the records of the board. Transfer may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student or students the petition concerns attend the high school. (2) Any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefore may file a petition with a board consisting of the county superintendent, county clerk, and county treasurer, asking to have any tract or tracts of land described therein set off from a nonaccredited Class I, II, II, or VI district in which it is situated an attached to an accredited district in the county of the residence of the petitioner or an adjoining county thereto, and when such petition is for the transfer of land from a Class I district which is part of a Class VI district, the petitioner shall be allowed to have such land attached to an adjoining accredited Class II, III, IV or V district. The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That the land therein described is either owned by the petitioner or petitioners and that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefore and that such tract or tracts includes all such contiguous land owned or controlled by each such petitioner; (b) that the land proposed to be attached has children of school age who have resided thereon with their parents or guardians for not less than forty days prior to filing the petition; (c) that the land described therein is located in a Class I, II, III, or VI school district as provided in this subsection (2), and is to be attached to an accredited school district in the county of the residence of the petitioner or an adjoining county thereto; and (d) that such petition is approved by a majority of the members of the school board or boards of education of the district to which such land is sought to be attached. If the land sought to be transferred pursuant to this subsection is to be set off from a Class I, II, III, or VI district and attached to an accredited Class VI district, the land shall not be set off and attached to such

Class VI District unless the petition states that the land will be attached. Failure of such children to attend a public school in the district to which the land is attached shall invalidate the transfer from the date of approval. The petition shall be verified by the oath of the petitioner or petitioners. The board shall, after a public hearing on the petition, and a determination that all requirements of this subsection have been complied with thereupon change the boundaries of the districts so as to set off the land described in the petition and attach it to such adjoining district as is called for in the petition. Notice of the filing of the petition and hearing thereon before the board shall be given at least ten days prior to the date of such hearing, by one publication in a legal newspaper of general circulation in each district, and by posting a notice on the outer door of the schoolhouse in each district affected thereby, which notice shall designate the territory to be transferred. Petitions requesting transfers of property across county lines shall be addressed jointly to the county superintendents of the counties concerned, and the petitions shall be acted upon by the county superintendents, county clerks, and county treasurers of the counties involved as one board, with the county superintendent of the county from which the real estate is sought to be transferred acting as chairperson of the board. When the tract or tracts of land attached is not contiguous to the receiving district, the transportation allowance provisions of section 79-490 shall not extend beyond the boundary line that existed prior to the attachment of such tract or tracts. Appeals may be taken from the action of such board, or when such board fails to agree, to the district court of the county in which the real estate is located within twenty days after entry of such action on the records of the board by the county clerk of the county in which the real estate is located or within twenty days after March 15 if the board fails to act upon such petition as provided in section 79-1103.05, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county.

Section 2. That section 79-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1108. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted, except that as provided in section 79-403 transfers may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student or students the petition concerns attend the high school. The provision shall apply to all transfers made prior as well as subsequent to the effective date of this act.

Section 3. That original sections 79-403 and 79-1108, Reissue Revised Statutes of Nebraska, 1943 are repealed.

RESOLUTION

LEGISLATIVE RESOLUTION 237.

Introduced by DeCamp, 40th District.

WHEREAS, recent published reports on bid-rigging of highways and airports have disclosed that Nebraska is one of ten states heavily involved over the past five years in substantial bid-rigging, and

WHEREAS, statements before the Public Works Committee in conjunction with statements from the Justice Department that "Rigged-Bids" means an increase of 6% to 10% average overcharge in the cost of construction projects thereby meaning that Nebraskans have probably paid, out of taxpayers funds, an additional minimum of $60 million to $150 million additional dollars to contractors in the last five years strictly as a result of "Rigged-bids," and

WHEREAS, additional facts as to the extent and depth and seriousness of the bid-rigging problem are still unknown or undisclosed including actual length of time the bid-rigging has been going on in all the states, actual time it has been going on in Nebraska, names and numbers of individuals involved in bid-rigging in Nebraska, involvement or possible participation of any public officials, elected officials, employees of the State, and

WHEREAS, Nebraska state laws with respect to state employees or officials being involved in bid-rigging have minimal or almost non-existent penalties and therefore, almost non-existent protections for the public against bid-rigging in Nebraska, and

WHEREAS, one of the major penalties for contractors involved in bid-rigging is to prevent companies involved in bid-rigging from participating for a period of time in new bids thereby, in a state like Nebraska, creating the additional problem of lack of competition in bidding and therefore, potentially higher costs in Nebraskans, and

WHEREAS, it may be possible for Nebraskans to recover part of the amounts already lost from bonding companies or insurance companies or directly from the companies themselves involved in the bid-rigging if an actual determination of individuals involved and the amounts involved can be established, and

WHEREAS, any changes in state legislation on the subject of bid-rigging, highway construction, and all related facets of this problem can only be intelligently written or prescribed once the full extent and nature of the problem is clearly identified.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special legislative investigative committee be established and hereby is established for the purposes of in-depth investigation and study of the entire area and spectrum of bid-rigging to include determination whether there was participation by any state employees or publicly elected officials at any level of government in the State of Nebraska and to determine whether there was a de-facto participation or allowance of the Nebraska bid-rigging by a lack of adequate supervision by any elected public official or state employee;
2. That the Legislature's Executive Board be instructed to provide to said investigative committee all assistance as deemed necessary and proper by a majority vote of said investigative committee as it pursues its work;
3. That this investigative committee be instructed to begin work immediately so as to be able, if at all possible, to report in detail to the 1983 Legislature as to what exactly occurred including all individuals involved and losses to the State and what proposals the committee has for preventing similar occurrences in the future through proper legislation and supervision;
4. That the investigative rules of the Nebraska Legislature as reflected in the Rules of the Legislature be deemed to apply to this special investigative committee and that the investigative committee should consist of the following members: Chairman of the Banking, Commerce and Insurance Committee, Chairman of the Agriculture and Environment Committee, Chairman of the Urban Affairs Committee, Chairman of the Public Works Committee and two (2) other members to be approved by the Committee, Chairman of the Judiciary Committee and one (1) other member to be approved by the Committee, Chairman of the Government, Military and Veterans Affairs Committee and one (1) other member to be approved by the Committee.

Laid over.

VISITORS

Visitors to the Chamber were 75 first and second grade students, teacher, and sponsor from Randolph School, Lincoln; and 11 students and instructor from Concordia College, Seward.

ADJOURNMENT

At 4:11 p.m., on a motion by Speaker Marvel, the Legislature adjourned until 9:00 a.m., Thursday, March 4, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 4, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 4, 1982

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Robert Hansen, First Lutheran Church, Fremont, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz and Pirsch who were excused; and Messrs. Chambers, Dworak, Haberman, Hoagland, Newell, Nichol, Schmit, Warner, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

MESSAGE FROM THE GOVERNOR

March 3, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 139A, 304, 685 and Reengrossed Legislative Bills 139, 353, and 431 were received in my office on February 25, 1982.

These bills were signed by me on March 2, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp and Mrs. Apking asked unanimous consent to print the following amendment to LB 458 in the Journal. No objections. So ordered.

1. Strike original sections 1 to 3, 7, 8, and 15 and all amendments thereto.
2. Insert the following sections:

Section 1. Sections 1 to 17 of this act shall apply to all police officers of a city of the first class.

Section 2. For the purposes of sections 1 to 17 of this act, unless the context otherwise requires:

(1) Regular interest shall mean the net rate of interest earned each calendar year commencing January 1, 1983, as determined by the retirement committee in conformity with actual and expected earnings on its investments;

(2) Regular pay shall be defined as the average pay of such police officer for the five years preceding the date such police officer elects to retire or his death whichever is earlier;

(3) Salary shall mean all amounts paid to a participating police officer by the employing city for personal services as reported on the participant's federal income tax withholding statement;

(4) Retirement committee shall mean the retirement committee created pursuant to section 14 of this act;

(5) Retirement value shall mean the accumulated value of the police officer's employee account and employer account;

(6) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the retirement committee in order to provide the benefits described in this act; and

(7) Straight life annuity shall mean an ordinary annuity payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind.

Section 3. A police officer shall be credited with all years of his or her service after the year 1965 for the purpose of determining vested retirement benefits under this act.

Section 4. Commencing on January 1, 1983, each city of the first class shall keep and maintain a Police Officers Retirement System Fund for the purpose of investing payroll deductions and city contributions to the retirement system established pursuant to this act. Upon the passage of this act all of the contributions made by an officer prior to the passage of this act will be transferred to the officer's retirement fund. Regular interest will begin to accrue on the contributions transferred into the fund. Such funds shall be invested in the manner prescribed in section 16 of this act.

Section 5. Each police officer participating in the retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of his or her salary. Such payment shall be made by regular payroll deductions from his or her periodic salary and shall be credited to his or her employee account on a monthly basis. Each such account shall also be credited with regular interest.

Section 6. Each city of the first class with police officers participating in a retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of each such participating police officer's periodic salary. Such payment shall be contributed as provided in section 5 of this act for employee contributions and shall be credited to his or her employer account on a monthly basis. Each such account shall also be credited with regular interest.

Section 7. (1) At any time before the retirement date, the retiring police officer may elect to receive his or her pension benefit either in the form of a straight life annuity or any optional form of annuity benefit specified in the group annuity contract. The retiring police officer may further elect to defer the date of the first payment to the first day of any specified month prior to age seventy. In any case, the amount of the pension benefit shall be the amount purchased or otherwise provided by the retirement value as of the date of the first payment. All officers employed at the time of the passage of this act will receive at retirement the greater of (a) fifty per cent of his or her regular pay when he or she shall have served in the police department for a period of twenty-one years and have attained the age of sixty or in the alternative receive forty per cent of his or her regular pay when he or she shall have served twenty-five years and reached the age of fifty-five; or (b) the accumulated funds along with regular interest which have been contributed by the city and the employee and which have been credited to the employee's account.

(2) Any retiring police officer whose pension benefit is less than twenty-five dollars per month on the straight life annuity option shall be paid a lump sum settlement equal to the retirement value in lieu of an annuity.

Section 8. (1) (a) A police officer of a city of the first class may elect to retire and receive a pension benefit based on his or her full retirement value upon the attainment of age sixty;

(b) A police officer of a city of the first class may elect to take early retirement if he or she has attained the age of fifty-five and has completed twenty-five years of service; or

(c) A police officer may retire as a result of disability, as determined under section 11 of this act, at any age.

(2) A police officer who is eligible to retire pursuant to subdivision (1) (a) of this section but does not, shall continue to contribute to his or her employee account and the city shall continue to contribute to his or her employee account.

(3) The first of the month immediately following the last day of work shall be the retirement date.

Section 9. When prior to retirement, any police officer participating in the retirement system established pursuant to this act shall die other than in the line of duty the entire retirement value shall be payable to the beneficiary specified by the deceased police officer prior to his or her death, or to the deceased police officer's estate in the event that no beneficiary was specified. The retirement value may be received by the beneficiary in the form of a single lump sum payment, straight life annuity, or any other optional form of benefit specified in the group annuity contract. If any police officer currently in the employment of any such city as a member of its paid police department, except those who shall have been formerly employed in such department who are now in military service, shall die other than in line of duty after becoming fifty-five years of age and before age sixty, and after serving in the paid police department of such city for at least twenty-one years, then a pension of at least twenty-five per cent of his regular pay as hereinbefore defined shall be paid to the widow or minor children of such deceased police officer. In such case the retirement value of the officer's retirement account who died before the age of fifty-five years and sixty will be retained by the city.

Section 10. In case of death, while in the line of duty, of any police officer or in case death is caused by or is the result of injuries received while in line of duty, then the regular retirement pension of fifty per cent of the average pay for the five years preceeding the officer's death shall be paid to the widow, or upon her remarriage or death, to his minor child or children during said child or children's minority subject to deduction of the amounts paid under the Nebraska Workmen's Compensation Act on account of death, as provided in Section 13.

Section 11. In case any such police officer shall become permanently and totally disabled from accident or other cause, while in the line of duty, and said police officer because of such disability is unable to resume the duties he or she was performing at the time of injury, such police officer shall forthwith be placed upon the roll of pensioned police officers at the regular retirement pension of fifty per cent of regular pay, as defined in section 2. In case of temporary total disability of a police officer received while in line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then the salary shall cease and he or she shall be entitled to the benefits of the foregoing provisions with reference to pensions in case of total and permanent disability. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Nebraska Workmen's Compensation Act.

Section 12. Notwithstanding any prior provisions of this act, no police officer shall be entitled during any period of temporary disability to receive in full both his or her salary and his or her benefits under the Nebraska Workmen's Compensation Act. All Nebraska Workmen's Compensation Act benefits shall be payable in full to such police officer as provided in such act, but all amounts paid by the city or its insurer under this act to any disabled police officer entitled to receive a salary during such disability shall be considered as payments on account of such salary and shall be credited thereon. The remaining balance of such salary, if any, shall be payable as otherwise provided in this act.

Section 13. In the event a police officer quits or is discharged, the officer may request and receive as a lump sum all of the contribution he or she has made toward his or her employee account including regular interest earned from the date of this act. In lieu of receiving a lump sum the officer may elect to receive a deferred pension benefit. In addition to the employee's contribution the officer shall receive from the city the vested portion of the city's contribution with regular interest subject to the below vesting schedule. An officer who is employed at the time of the passage of this act shall receive, when he or she quits or is discharged from the city, an amount equal to the employee's contributions subject to the following vesting schedule. If the terminated police officer has been a member of the system for less than four years, such vesting shall be nil. If the terminating officer has been a member of the paid department of the city of the first class for at least four years, such vesting percentage shall be forty per cent. Such vesting percentage shall be fifty per cent after five years, sixty per cent after six years, seventy per cent after seven years, eighty per cent after eight years, ninety per cent after nine years, and one hundred per cent after ten years. All police officers will be one hundred per cent vested at retirement age. This vested amount must be taken as a deferred pension benefit payable on the first of the month immediately following his or her sixtieth birthday. At the option of the terminating officer, such pension benefit may be paid as of the first of the month after such member attains the age of fifty-five. Such election may be made by the officer anytime prior to the payment of the pension benefits. The retirement value shall consist of the accumulated value at the time of payment of the employee account together with a vested percentage of the employer account.

Section 14. A retirement committee shall be established to supervise the general operation of the retirement system established pursuant to this act. The governing body of the city shall continue to be responsible for the general administration of such retirement system unless specific functions or all functions with regard to the administration of the retirement system are delegated, by ordinance, to the retirement committee.

Section 15. Each retirement committee established pursuant to section 14 of this act shall consist of members from both the police force and designees of the city council. The committee shall consist of six members of which four members shall be selected by the officers from the police force of the city. Two members shall be designated by the city council. The members who are not participants in such retirement system shall have a general knowledge of retirement plans. Members of the governing body of such city may serve on the retirement committee. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his or her predecessor. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.

Section 16. The funds of the retirement system shall be invested by the governing body of the city, subject to the approval of the retirement committee unless full authority for investing is delegated by ordinance to the retirement committee. The city or committee shall contract with an insurance company, trust company, or other financial institution.

Section 17. It shall be the duty of the retirement committee to;

(1) Provide each employee a summary of plan eligibility requirements and benefit provisions;

(2) Provide, within thirty days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;

(3) Make available for review an annual report of the system's operations describing both (a) the amount of contributions to the system from both employee and employer sources and (b) an identification of the total assets of the retirement system; and

(4) To have an analysis made of the investment return that has been achieved on the assets of the retirement system administered by the committee. Such analysis shall be prepared as of January 1, 1988, and each five years thereafter. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system.

Section 18. For purposes of subdivision (2) of section 77-3424, new program shall include all contributions by a city of the first class to a retirement system established pursuant to sections 1 to 17 of this act, for one calendar year after January 1, 1983.

3. Insert a new section as follows:

"That original sections 23-2319, 24-706, 60-458, 79-1049, 79-1527, 79-1529 and 84-1321, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2315 and 84-1317, Revised Statutes Supplement, 1980, and also sections 16-330, 16-331, 16-332, 16-333, 16-334, 16-335, 16-336, 16-336.01 and 16-337, Reissue Revised Statutes of Nebraska, 1980, are repealed."

4. Renumber remaining sections accordingly.

Mr. DeCamp and Mrs. Apking asked unanimous consent to print the following amendment to LB 458 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto.

2. Insert the following new sections:

Section 1. Sections 1 to 17 of this act shall apply to all police officers of a city of the first class.

Section 2. For the purposes of sections 1 to 17 of this act, unless the context otherwise requires:

(1) Regular interest shall mean the net rate of interest earned each calendar year commencing January 1, 1983, as determined by the retirement committee in conformity with actual and expected earnings on its investments;

(2) Regular pay shall be defined as the average pay of such police officer for the five years preceding the date such police officer elects to retire or his death whichever is earlier;

(3) Salary shall mean all amounts paid to a participating police officer by the employing city for personal services as reported on the participant's federal income tax withholding statement;

(4) Retirement committee shall mean the retirement committee created pursuant to section 14 of this act;

(5) Retirement value shall mean the accumulated value of the police officer's employee account and employer account;

(6) Group annuity contract shall mean the contract or contracts issued by one or more life insurance companies to the retirement committee in order to provide the benefits described in this act; and

(7) Straight life annuity shall mean an ordinary annuity payable for the life of the primary annuitant only, and terminating at his or her death without refund or death benefit of any kind.

Section 3. A police officer shall be credited with all years of his or her service after the year 1965 for the purpose of determining vested retirement benefits under this act.

Section 4. Commencing on January 1, 1983, each city of the first class shall keep and maintain a Police Officers Retirement System Fund for the purpose of investing payroll deductions and city contributions to the retirement system established pursuant to this act. Upon the passage of this act all of the contributions made by an officer prior to the passage of this act will be transferred to the officer's retirement fund. Regular interest will begin to accrue on the contributions transferred into the fund. Such funds shall be invested in the manner prescribed in section 16 of this act.

Section 5. Each police officer participating in the retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of his or her salary. Such payment shall be made by regular payroll deductions from his or her periodic salary and shall be credited to his or her employee account on a monthly basis. Each such account shall also be credited with regular interest.

Section 6. Each city of the first class with police officers participating in a retirement system established pursuant to this act shall contribute to the retirement system a sum equal to six per cent of each such participating police officer's periodic salary. Such payment shall be contributed as provided in section 5 of this act for employee contributions and shall be credited to his or her employer account on a monthly basis. Each such account shall also be credited with regular interest.

Section 7. (1) At any time before the retirement date, the retiring police officer may elect to receive his or her pension benefit either in the form of a straight life annuity or any optional form of annuity benefit specified in the group annuity contract. The retiring police officer may further elect to defer the date of the first payment to the first day of any specified month prior to age seventy. In any case, the amount of the pension benefit shall be the amount purchased or otherwise provided by the retirement value as of the date of the first payment. All officers employed at the time of the passage of this act will receive at retirement the greater of (a) fifty per cent of his or her regular pay when he or she shall have served in the police department for a period of twenty-one years and have attained the age of sixty or in the alternative receive forty per cent of his or her regular pay when he or she shall have served twenty-five years and reached the age of fifty-five; or (b) the accumulated funds along with regular interest which have been contributed by the city and the employee and which have been credited to the employee's account.

(2) Any retiring police officer whose pension benefit is less than twenty-five dollars per month on the straight life annuity option shall be paid a lump sum settlement equal to the retirement value in lieu of an annuity.

Section 8. (1) (a) A police officer of a city of the first class may elect to retire and receive a pension benefit based on his or her full retirement value upon the attainment of age sixty;

(b) A police officer of a city of the first class may elect to take early retirement if he or she has attained the age of fifty-five and has completed twenty-five years of service; or

(c) A police officer may retire as a result of disability, as determined under section 11 of this act, at any age.

(2) A police officer who is eligible to retire pursuant to subdivision (1) (a) of this section but does not, shall continue to contribute to his or her employee account and the city shall continue to contribute to his or her employee account.

(3) The first of the month immediately following the last day of work shall be the retirement date.

Section 9. When prior to retirement, any police officer participating in the retirement system established pursuant to this act shall die other than in the line of duty the entire retirement value shall be payable to the beneficiary specified by the deceased police officer prior to his or her death, or to the deceased police officer's estate in the event that no beneficiary was specified. The retirement value may be received by the beneficiary in the form of a single lump sum payment, straight life annuity, or any other optional form of benefit specified in the group annuity contract. If any police officer currently in the employment of any such city as a member of its paid police department, except those who shall have been formerly employed in such department who are now in military service, shall die other than in line of duty after becoming fifty-five years of age and before age sixty, and after serving in the paid police department of such city for at least twenty-one years, then a pension of at least twenty-five per cent of his regular pay as hereinbefore defined shall be paid to the widow or minor children of such deceased police officer. In such case the retirement value of the officer's retirement account who died before the age of fifty-five years and sixty will be retained by the city.

Section 10. In case of death, while in the line of duty, of any police officer or in case death is caused by or is the result of injuries received while in line of duty, then the regular retirement pension of fifty per cent of the average pay for the five years preceeding the officer's death shall be paid to the widow, or upon her remarriage or death, to his minor child or children during said child or children's minority subject to deduction of the amounts paid under the Nebraska Workmen's Compensation Act on account of death, as provided in Section 13.

Section 11. In case any such police officer shall become permanently and totally disabled from accident or other cause, while in the line of duty, and said police officer because of such disability is unable to resume the duties he or she was performing at the time of injury, such police officer shall forthwith be placed upon the roll of pensioned police officers at the regular retirement pension of fifty per cent of regular pay, as defined in section 2. In case of temporary total disability of a police officer received while in line of duty, he or she shall receive his or her salary during the continuance of such disability for a period not to exceed twelve months; Provided, if it shall be ascertained by the city council or other proper municipal authorities within twelve months that such disability has become permanent, then the salary shall cease and he or she shall be entitled to the benefits of the foregoing provisions with reference to pensions in case of total and permanent disability. All payments of pension or salary provided by this section shall be subject to deduction of amounts paid under the Nebraska Workmen's Compensation Act.

Section 12. Notwithstanding any prior provisions of this act, no police officer shall be entitled during any period of temporary disability to receive in full both his or her salary and his or her benefits under the Nebraska Workmen's Compensation Act. All Nebraska Workmen's Compensation Act benefits shall be payable in full to such police officer as provided in such act, but all amounts paid by the city or its insurer under this act to any disabled police officer entitled to receive a salary during such disability shall be considered as payments on account of such salary and shall be credited thereon. The remaining balance of such salary, if any, shall be payable as otherwise provided in this act.

Section 13. In the event a police officer quits or is discharged, the officer may request and receive as a lump sum all of the contribution he or she has made toward his or her employee account including regular interest earned from the date of this act. In lieu of receiving a lump sum the officer may elect to receive a deferred pension benefit. In addition to the employee's contribution the officer shall receive from the city the vested portion of the city's contribution with regular interest subject to the below vesting schedule. An officer who is employed at the time of the passage of this act shall receive, when he or she quits or is discharged from the city, an amount equal to the employee's contributions subject to the following vesting schedule. If the terminated police officer has been a member of the system for less than four years, such vesting shall be nil. If the terminating officer has been a member of the paid department of the city of the first class for at least four years, such vesting percentage shall be forty per cent. Such vesting percentage shall be fifty per cent after five years, sixty per cent after six years, seventy per cent after seven years, eighty per cent after eight years, ninety per cent after nine years, and one hundred per cent after ten years. All police officers will be one hundred per cent vested at retirement age. This vested amount must be taken as a deferred pension benefit payable on the first of the month immediately following his or her sixtieth birthday. At the option of the terminating officer, such pension benefit may be paid as of the first of the month after such member attains the age of fifty-five. Such election may be made by the officer anytime prior to the payment of the pension benefits. The retirement value shall consist of the accumulated value at the time of payment of the employee account together with a vested percentage of the employer account.

Section 14. A retirement committee shall be established to supervise the general operation of the retirement system established pursuant to this act. The governing body of the city shall continue to be responsible for the general administration of such retirement system unless specific functions or all functions with regard to the administration of the retirement system are delegated, by ordinance, to the retirement committee.

Section 15. Each retirement committee established pursuant to section 14 of this act shall consist of members from both the police force and designees of the city council. The committee shall consist of six members of which four members shall be selected by the officers from the police force of the city. Two members shall be designated by the city council. The members who are not participants in such retirement system shall have a general knowledge of retirement plans. Members of the governing body of such city may serve on the retirement committee. The committee members shall be appointed to four-year terms. Vacancies shall be filled for the remainder of the term by a person with the same representation as his or her predecessor. Members of the retirement committee shall receive no salary and shall not be compensated for expenses.

Section 16. The funds of the retirement system shall be invested by the governing body of the city, subject to the approval of the retirement committee unless full authority for investing is delegated by ordinance to the retirement committee. The city or committee shall contract with an insurance company, trust company, or other financial institution.

Section 17. It shall be the duty of the retirement committee to;

(1) Provide each employee a summary of plan eligibility requirements and benefit provisions;

(2) Provide, within thirty days after a request is made by a participant, a statement describing the amount of benefits such participant is eligible to receive;

(3) Make available for review an annual report of the system's operations describing both (a) the amount of contributions to the system from both employee and employer sources and (b) an identification of the total assets of the retirement system; and

(4) To have an analysis made of the investment return that has been achieved on the assets of the retirement system administered by the committee. Such analysis shall be prepared as of January 1, 1988, and each five years thereafter. The analysis shall be prepared by an independent private organization which has demonstrated expertise to perform this type of analysis and which is unrelated to any organization offering investment advice or which provides investment management services to the retirement system.

Section 18. For purposes of subdivision (2) of section 77-3424, new program shall include all contributions by a city of the first class to a retirement system established pursuant to sections 1 to 17 of this act, for one calendar year after January 1, 1983.

Section 19. That Sections 16-330, 16-331, 16-332, 16-333, 16-334, 16-335, 16-336, 16-336.01 and 16-337, Reissue Revised Statutes of Nebraska, 1980, are repealed.

SELECT FILE

LEGISLATIVE BILL 801. E & R amendments found in the Journal on page 846 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 717. E & R amendment found in the Journal on page 754 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 378. Mr. Cullan renewed his pending amendment found in the Journal on page 753.

Mr. Wesely offered the following amendment to the Cullan amendment:

On page 33 of Req. 1318, strike from "Such" in line 1 through line 3.

The Wesely amendment lost with 10 ayes, 24 nays, 7 present and not voting, and 8 excused and not voting.

The Cullan amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. R. Peterson asked unanimous consent to withdraw his pending amendment found in the Journal on page 844. No objections. So ordered.

Mr. Wesely asked unanimous consent to withdraw his pending amendment, Req. #2696, printed separate from the Journal and referred to on page 844. No objections. So ordered.

Mr. Cullan offered the following amendment:

On page 22, line 5 after the period insert the following new language:

All applications for a certificate of need shall include a nonrefundable fee of five hundred dollars. Such fee shall be deposited in the Department of Health Cash Fund. The fee shall be used to partially defray the expenses of the Department of Health incurred in the administration of the Nebraska Health Care Certificate of Need Act.

The Cullan amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2647, printed separate from the Journal and referred to on page 931. No objections. So ordered.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Koch
Kremer
Lamb
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Wagner

Voting in the negative, 10:

Burrows	Higgins	Landis	Stoney	Wesely
Fowler	Kilgarin	Schmit	Warner	Wiitala

Present and not voting, 6:

Beutler	Johnson, V.	Vickers
Goll	Kahle	Von Minden

Excused and not voting, 6:

Chambers	Hoagland	Newell
Dworak	Labedz	Pirsch

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 6 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 267, 383, and 702.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 383

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 383:

In new section 3, Req. 2738, pg. 11), line 17, the second comma has been stricken.

Enrollment and Review Changes to LB 702

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 702:

1. In the Newell amendments on page 1, line 19, the second underscored comma has been stricken.
2. The comma on page 10, line 11, has been stricken and shown as such.

(Signed) Emory P. Burnett
E & R Attorney

SPEAKER MARVEL PRESIDING

UNANIMOUS CONSENT - Expedite LB 717

Mr. Nichol asked unanimous consent to expedite LB 717. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 305. Mr. Beutler requested to have LB 305 laid over.

LEGISLATIVE BILL 208. Mr. Koch requested to have LB 208 laid over.

LEGISLATIVE BILL 359. E & R amendments, Req. #2580, found in the Journal on page 452 for the Fifteenth Day were adopted.

Mr. Landis renewed his pending amendment, Req. #2526, printed separate from the Journal and referred to on page 464.

Mr. Landis renewed the Landis et al amendment to the pending Landis amendment found in the Journal on page 952.

The Landis et al amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

The Landis amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 435. E & R amendments found in the Journal on page 493 for the Fifteenth Day were adopted.

Messrs. Landis, Fenger, Duda, Remmers, and Mrs. Higgins renewed their pending amendment found in the Journal on page 713.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 127. E & R amendments, Req. #2602, found in the Journal on page 507 for the Eighteenth Day were adopted.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fowler
Goll
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner
Wiitala

Voting in the negative, 5:

Duda
Goodrich
Haberman
Stoney
Wagner

Present and not voting, 3:

Burrows
Higgins
Wesely

Excused and not voting, 6:

Chambers
Dworak
Hoagland
Labedz
Newell
Pirsch

Advanced to E & R for Engrossment with 35 ayes, 5 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 127A. E & R amendment found in the Journal on page 508 for the Eighteenth Day was adopted.

Mr. Sieck asked unanimous consent to withdraw his pending amendment found in the Journal on page 606. No objections. So ordered.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Apking
Barrett
Beyer
Carsten
Cope
Cullan
DeCamp
Fenger
Fowler
Goll
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Marvel
Nichol
Peterson, H.
Peterson, R.
Rumery
Sieck
Vickers
Warner
Wiitala

Voting in the negative, 3:

Duda	Haberman	Wagner

Present and not voting, 14:

Beutler	Clark	Higgins	Remmers	Von Minden
Burrows	Goodrich	Kremer	Schmit	Wesely
Chronister	Hefner	Marsh	Stoney	

Excused and not voting, 6:

Chambers	Hoagland	Newell
Dworak	Labedz	Pirsch

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 571. Mr. Burrows renewed his pending amendment found in the Journal on page 581.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Clark renewed his pending amendment found in the Journal on page 722.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 692. E & R amendments found in the Journal on page 564 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 628. E & R amendments found in the Journal on page 564 for the Twenty-First Day were adopted.

Mr. H. Peterson renewed his pending amendment found in the Journal on page 572.

Mr. Beutler requested a division of the question on the H. Peterson amendment.

The Chair sustained the division.

The first H. Peterson amendment is as follows:

1. Insert the following new sections:

“Sec. 12. The Legislature shall appropriate any funds needed by a school district, educational service unit, or technical community college to comply with this act. Such appropriation shall be made for each and every year additional costs are incurred by such educational institutions.

Mr. Haberman and Mrs. Apking asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. H. Peterson asked unanimous consent to withdraw his pending amendment found in the Journal on page 572. No objections. So ordered.

Mr. H. Peterson renewed his pending amendment found in the Journal on page 809.

Messrs. Landis and DeCamp offered the following amendment to the H. Peterson amendment:

On line 1 of the Peterson amendment on pg. 809 strike the language through “2;”

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The H. Peterson amendment, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 630. E & R amendments found in the Journal on page 564 for the Twenty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 728. E & R amendment found in the Journal on page 564 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 654. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829. E & R amendment found in the Journal on page 583 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 606. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 579. Mr. Koch offered the following amendment:
Add the emergency clause to LB 579.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 703. E & R amendment found in the Journal on page 615 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 705. Mr. Carsten renewed his pending amendment, Req. #2639, found in the Journal on page 671.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 238.

Introduced by Koch, 12th District.

WHEREAS, Owen Knutzen has been the superintendent of the Omaha Public Schools since 1967 and has been associated with the district since 1950; and

WHEREAS, Dr. Knutzen has been the recipient of many national and local honors, including the Nebraska Council of School Administrators Outstanding School Administrator Award and the Omaha World-Herald's Midlander of the Year Award; and

WHEREAS, Dr. Knutzen has been a leader in education and community affairs in Omaha and has been involved in various associations and boards; and

WHEREAS, the Omaha Public Schools recently received outstanding marks from the North Central Association of Colleges and Secondary Institutions accreditation study; and

WHEREAS, Omaha students have achieved test scores far above those of the national average; and

WHEREAS, Dr. Knutzen is retiring at the end of the current school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges and honors Superintendent Owen Knutzen for his many years of dedicated service to the Omaha Public Schools and the State of Nebraska.
2. That a copy of this resolution be delivered to Owen Knutzen.

Laid over.

LEGISLATIVE RESOLUTION 239.

Introduced by Koch, 12th District; Marsh, 29th District.

WHEREAS, John Prasch has been the superintendent of the Lincoln Public Schools for the past fifteen years; and

WHEREAS, the Lincoln Public School system has become nationally famous for its educational program under his supervision; and

WHEREAS, Superintendent Prasch has been the recipient of many national and local honors, including the Nebraska Council of School Administrators Distinguished Service Award; and

WHEREAS, Superintendent Prasch has been a leader in the growth of education, in activities related to education, and in the community affairs of Lincoln; and

WHEREAS, John Prasch is retiring at the end of the current school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors and acknowledges Superintendent John Prasch for his fifteen years of dedicated service to the school district of Lincoln and the State of Nebraska.
2. That a copy of this resolution be delivered to John Prasch.

Laid over.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 893. Placed on General File as amended.
Standing Committee amendments to LB 893:
Req. #2754

1. Strike original sections 7 and 8 and insert the following new sections:

"Sec. 7. (1) Before the board can establish and implement a minimum price for wheat, the board shall determine that at least forty per cent of the projected total of United States wheat crop would be available to the market at or above the minimum price established by the board.

(2) If the board determines that Nebraska producers are losing a substantial share of the market and that the minimum price may have a negative economic effect on Nebraska citizens, the board may adjust or cancel the minimum price for that marketing year.

(3) The board shall be encouraged to actively cooperate with other wheat producing states and explore supply management, price strengthening, and other beneficial marketing concepts for American wheat producers.

Sec. 8. It shall be unlawful for any producer to sell or for any person to purchase from a producer, wheat grown and held in this state for a price less than the minimum price established by the commission then in effect for such date. Any violation of this act shall be a Class IV misdemeanor.".

2. On page 4, strike lines 7 through 11; in line 12, strike "(6)" and insert "(4)"; in line 15, strike "(7)" and insert "(5)"; and in line 20, strike "fix" and insert "establish".

3. On page 5, line 4, strike "fix" and insert "establish"; in line 7, strike "fixed" and insert "established"; and strike beginning with "product" in line 8 through "state" in line 11 and insert "following formula: The greatest per cent of parity which most closely represents the average cost of production of Nebraska wheat for which section 7 of this act will be satisfied. In calculating such cost of production the board shall use all available data, including but not limited to, the official annual cost of production information supplied by the United States Department of Agriculture.".

4. Renumber original sections 9 and 10 as sections 10 and 11 respectively.

(Signed) Loran Schmit, Chairperson

Revenue

LEGISLATIVE BILL 816. Placed on General File as amended.
Standing Committee amendments to LB 816:
Req. #2753

1. On page 2, line 3, strike "forty-one" and insert "forty-five".

2. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. That section 77-27,136, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,136. Beginning ~~January 1, 1972, and on January 1, each~~ in fiscal year 1982-83 and each fiscal year thereafter, the Legislature shall appropriate ~~twelve million six~~ eighteen million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to ~~governmental subdivisions~~ incorporated municipalities.

Sec. 4. That section 77-27,137.01, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,137.01. The ~~balance of the governmental subdivision~~ appropriation ~~after making the transfer~~ provided for in section ~~77-27,137~~ 77-27,136 shall be allocated by the Tax Commissioner to the various ~~counties, for distribution to the~~ incorporated municipalities. ~~therein.~~ The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1982, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The Tax Commissioner shall compute the amount, ~~so allocated to each county,~~ due the incorporated municipalities ~~within the county~~ on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the ~~county~~ state as determined by the latest federal census, which amounts shall be placed in the general fund of such municipalities. ~~Such payments and distributions shall be made in the manner provided in section 77-27,137.~~

Sec. 5. For fiscal year 1982-83 the Legislature shall appropriate an additional sixteen million seven hundred thousand dollars to the Department of Public Welfare for the payment of medical assistance.

Sec. 6. It is the intent of the Legislature that if the federal government assumes the entire responsibility for the costs of the medical assistance program prior to fiscal year 1984-85, including the portion that was paid by the counties prior to the effective date of this act, there shall be appropriated at the next regular or special session of the Legislature an additional eighteen million dollars for state aid to counties.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. On page 4, line 8, strike "77-27,137" and insert "77-27,137.01"; and after "also" insert "section 77-27,137, Revised Statutes Supplement, 1980, and"; and in line 9 after "sections" insert "68-1022 and".

4. Renumber original sections 5 and 6 as sections 7 and 8, respectively.

(Signed) Calvin F. Carsten, Chairperson

ANNOUNCEMENT

Mr. Warner announced an executive session of the Appropriations Committee Saturday, March 6, 1982 at 8:00 a.m. in room 1003.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LR 233 in the Journal. No objections. So ordered.

1. In LR 233 found on page 942 of the Journal, in line 7 of the third Whereas before "and" insert "North Dakota,".

VISITORS

Visitors to the Chamber were Mr. Warnekee from Plainview; 16 students and teacher from St. Patricks School, Lincoln; 24 foreign students and teacher from UNL; Ray Miller from Pennsylvania; and Senator Kremer's son, Robert Kremer and family from Aurora.

RECESS

At 11:59 a.m., on a motion by Mr. Wesely, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Labedz and Pirsch who were excused; and Messrs. Chambers, Haberman, Newell, Schmit, Vickers, the Appropriations Committee and the Public Works Committee who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 717.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORT
Administrative Rules and Regulations Review

LEGISLATIVE BILL 792. Placed on General File.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 849 in the Journal. No objections. So ordered.

1. On page 2, strike beginning with "at" in line 8 through "Any" in line 9 and insert ". The owner of any"; in line 13, strike "deemed to have suffered" and insert "entitled to"; and in line 15, after "use" insert "unless, because of the inferior water use, an adequate supply of water is no longer reasonably available for the domestic or municipal domestic user".

SELECT FILE

LEGISLATIVE BILL 631. E & R amendment found in the Journal on page 530 for the Nineteenth Day was adopted.

Mr. Dworak offered the following amendment:
1. On page 4, line 5, strike "and" and show as stricken; On line 6 after "dollars" insert "and not in excess of five million dollars"; On line 7, strike "five" and show as stricken and insert "two" and before the period insert "and (c) any amount in excess of five million dollars shall be taxed at a rate of five and one half per cent".

MR. CLARK PRESIDING

Mr. Dworak moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Dworak requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Beutler
Burrows
Chambers
Clark
Dworak
Fowler
Hoagland
Kilgarin
Landis
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 27:

Apking
Barrett
Beyer
Carsten
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner

Present and not voting, 7:

Chronister
DeCamp
Higgins
Kremer
Marvel
Schmit
Sieck

Excused and not voting, 2:

Labedz
Pirsch

The Dworak amendment lost with 13 ayes, 27 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler renewed his pending amendment found in the Journal on page 561.

The amendment lost with 10 ayes, 23 nays, 2 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 705. Mr. Nichol offered the following amendment:

(1) On page 3 line 11 after "withdrawal" insert "as agreed to by the condemnee" and on line 13 insert after "condemner" "or condemnee".

(2) Add the Emergency Clause.

The amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 718. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 719. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 724. E & R amendments found in the Journal on page 616 for the Twenty-Fourth Day were adopted.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 606.

The amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 677. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 722. E & R amendment found in the Journal on page 616 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 659. Mr. Barrett renewed his pending amendment found in the Journal on page 904.

The amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 764. E & R amendment found in the Journal on page 616 for the Twenty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 778. E & R amendment found in the Journal on page 616 for the Twenty-Fourth Day was adopted.

Mr. Vickers renewed his pending amendment found in the Journal on page 607.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 607. No objections. So ordered.

Miss Kilgarin requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 4 present and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

1. On page 4, line 5, strike "and" and show as stricken; On line 6 after "dollars" insert "and not in excess of six million dollars"; On line 7, strike "five" and show as stricken and insert "two" and before the period insert "and (c) any amount in excess of six million dollars shall be taxed at a rate of five and one half per cent".

Mr. Fenger asked unanimous consent to print the following amendment to LB 714 in the Journal. No objections. So ordered.

(White copy request 2605)

1. On page 2, line 3, strike "and"; in line 7, strike the period and insert ";

(7) Case worker shall mean an individual who is currently providing direct on-going services to children and families who are utilizing foster care services. Case

worker shall include, but not be limited to, the persons with the job titles of protective service worker, social worker, case worker, parole officer, court service worker, and correctional officer; and

(8) Foster care services shall mean those services provided to a child and his or her family whose legal custody is not placed with the natural family."; and strike beginning with "shall" in line 25 through the first "and" in line 27.

2. On page 10, line 24, after the period insert "Such compulsory training programs shall be conducted in part by two case workers chosen on a rotating basis from a list submitted by the case worker supervisor. One case worker shall be a Department of Public Welfare case worker and shall have a minimum of two years experience in the State of Nebraska immediately preceding participation in such training program.".

SELECT FILE

LEGISLATIVE BILL 779. E & R amendments found in the Journal on page 616 for the Twenty-Fourth Day were adopted.

Mr. Schmit renewed his pending amendment found in the Journal on page 709.

The amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 623. E & R amendments found in the Journal on page 647 for the Twenty-Fifth Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 771. No objections. So ordered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 945.

The amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 449. Mr. Warner asked unanimous consent to withdraw his pending specific amendment found in the Journal on page 660. No objections. So ordered.

Readvanced to Final Reading.

MOTION - Return LB 449 to Select File

Mr. Clark moved to return LB 449 to Select File for the Warner specific amendment found in the Journal on page 820.

Mr. Clark moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Clark requested a roll call vote on the motion to return.

Voting in the affirmative, 24:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Fowler
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Marvel
Nichol
Peterson, R.
Remmers
Sieck
Von Minden
Wagner
Warner

Voting in the negative, 17:

Chambers
Cullan
Duda
Fenger
Goll
Higgins
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Peterson, H.
Rumery
Schmit
Stoney
Wiitala

Present and not voting, 2:

Goodrich
Vickers

Excused and not voting, 6:

Beutler
Koch
Kremer
Labedz
Pirsch
Wesely

The motion to return lost with 24 ayes, 17 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 637. No objections. So ordered.

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the reappointment listed below. The Committee suggests the reappointment be confirmed by the Legislature and suggests a record vote.

Dean G. Kratz - Judge, Commission of Industrial Relations

VOTE: For: Senators Barrett, Apking, Goll, R. Peterson, Vickers, Wiitala. Against: None. Absent: Senator Labedz

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 678 in the Journal. No objections. So ordered.

1. Page 2, line 6, following "except" insert "sales of"; following "fuel", insert "if less than one hundred dollars".

Mr. Nichol asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee Amendments)

Req. #2692

1. Insert new sections as follows:

"Sec. 2. That section 29-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2219. (1) A municipal court may suspend sentence, place a defendant on probation and determine the conditions and period of probation, which period shall not exceed, in the case of any defendant convicted of an offense less than a felony, two years for the first offense and five years for a second or subsequent offense.

(2) Except as provided in subsection (5) of this section, the conditions of probation, as referred to in subsection (1) of this section, shall be such as the court shall in its discretion prescribe. Such probationary conditions may include, among other

conditions, any or several of the following: That the probationer shall: (a) Indulge in no unlawful, disorderly, injurious, or vicious habits; (b) avoid places or persons of disreputable or harmful character; (c) report to the probation officer as directed by the court or probation officer; (d) permit the probation officer to visit him or her in a reasonable manner at his or her place of abode or elsewhere; (e) answer any reasonable inquiries on the part of the probation officer concerning his or her conduct or condition; (f) work faithfully at suitable employment; (g) remain or reside within a specified place or locality; (h) abstain from the use of alcoholic beverages if the use of the same contributed to his or her offense; (i) pay in one or several sums a fine imposed at the time of being placed on probation; (j) make reparation or restitution to the aggrieved parties for actual damage or losses caused by his or her offense; and (k) support his or her ~~wife~~ spouse or children.

(3) The court or a magistrate thereof may (a) modify the conditions and the period of probation referred to in subsections (1) and (2) of this section, (b) in case of the violation of such probationary conditions, upon motion and showing by affidavit of the prosecuting attorney, issue a warrant for the arrest of the probationer, (c) at any time discharge the probationer, and (d) in case of the violation of such probationary conditions, impose any penalty which it might have imposed before placing the defendant on probation; Provided, if committed, he or she be committed to an institution authorized by law to receive commitments.

(4) If a probationer without permission disappears, or departs from the jurisdiction of the court, the time during which he or she keeps his or her whereabouts hidden or remains away from the jurisdiction of the court may be added to the original period of probation provided for by subsection (1) of this section.

(5) In all cases in which the offender is guilty of assault or battery and the victim is the offender's spouse, a condition of probation shall be mandatory counseling as provided by sections 42-901 to 42-927.

Sec. 3. That section 29-2260, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2260. (1) Whenever a person is adjudicated delinquent or in need of special supervision as defined in section 43-201, his or her disposition shall be governed by the provisions of Chapter 43, article 2.

(2) Whenever a court considers sentence for an

offender convicted of either a misdemeanor or a felony for which mandatory imprisonment is not specifically required, the court may withhold sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because:

(a) The risk is substantial that during the period of probation the offender will engage in additional criminal conduct;

(b) The offender is in need of correctional treatment that can be provided most effectively by commitment to a correctional facility; or

(c) A lesser sentence will depreciate the seriousness of the offender's crime or promote disrespect for law.

(3) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of withholding sentence of imprisonment:

(a) The crime neither caused nor threatened serious harm;

(b) The offender did not contemplate that his or her crime would cause or threaten serious harm;

(c) The offender acted under strong provocation;

(d) Substantial grounds were present tending to excuse or justify the crime, though failing to establish a defense;

(e) The victim of the crime induced or facilitated commission of the crime;

(f) The offender has compensated or will compensate the victim of his or her crime for the damage or injury the victim sustained;

(g) The offender has no history of prior delinquency or criminal activity and has led a law-abiding life for a substantial period of time before the commission of the crime;

(h) The crime was the result of circumstances unlikely to recur;

(i) The character and attitudes of the offender indicate that he or she is unlikely to commit another crime;

(j) The offender is likely to respond affirmatively to probationary treatment; and

(k) Imprisonment of the offender would entail excessive hardship to his or her dependents.

(4) When an offender who has been convicted of a crime is not sentenced to imprisonment, the court may sentence him or her to probation.".

2. On page 6, line 6, and page 12, line 19,

after ''months'' insert ''from the date of the order''.

3. On page 16, line 15, after the comma insert ''29-2219, 29-2260,''; and in line 24 after the first comma insert ''29-2219, 29-2260,''.

4. On page 17, line 6, after the semicolon insert ''to change certain probation provisions;''.

5. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 240.

Introduced by DeCamp, 40th District; Haberman, 44th District; Lamb, 43rd District; Fenger, 45th District; R. Peterson, 21st District; Clark, 47th District; Chronister, 18th District; Von Minden, 17th District; H. Peterson, 35th District; Koch, 12th District; Vickers, 38th District; Beyer, 3rd District.

WHEREAS, a letter of 2 March 1982 from State Tax Commissioner, Donald S. Leuenberger to Senator John DeCamp stated as follows: ''In direct answer to your question, I see no possibility at this time that the Governor's original budget recommendations or the Budget Resolution recently adopted by your body can be funded at current income tax rates.'', and

WHEREAS, many members of the Legislature have supported the target figure of $758 million amended to $763 million as outlined in LR 215 on the premise that the resolution figure of $763 million could be totally funded without an increase in tax rates as indicated by the Governor and the Tax Commissioner repeatedly during the special session of the Legislature and subsequent to that time, and

WHEREAS, the only option open to the Legislature if tax rates are to be maintained at current levels is to dramatically reduce expenditures of state government to live within the funds available from an economy in a near depression condition, and

WHEREAS, a hold-the-line budget or zero budget increase are probably the only methods of maintaining current tax rates and preventing a tax rate increase, and

WHEREAS, the proposed budget figures of the Governor would result in major increases in budgets for some entities such as the University of Nebraska and State Employees Salaries, and major cuts and no increases in other parts, such as funds provided for property tax relief and funding of elementary and secondary education, of the budget, and

WHEREAS, all segments involved in the budget should, to the degree possible, share in budget cuts or denial of budget increases in their respective budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby indicates that its new decreased target figure for a no increase budget is hereby targeted at $736 million which is an approximate decrease of $27 million from the target figure established in LR 215.
2. That this Legislature hereby indicates that if it determines to depart from the zero funds increase budget that it will attempt to give equal and fair treatment to other major segments of the budget so as not to cause increases in property taxes.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following letter from the Nebraska Department of Revenue in the Journal. No objections. So ordered.

March 2, 1982

Dear Senator DeCamp:

In direct answer to your question, I see no possibility at this time that the Governor's original budget recommendations or the Budget Resolution recently adopted by your body can be funded at current income tax rates. I emphasize rates since, as is well known, the recent and future scheduled federal individual income tax rate reductions proportionately reduce revenue derived from the current state income tax rate as well. As I have testified, we can expect to lose approximately $40 million in otherwise anticipated General Fund revenues from the July 1, 1982 federal income tax reduction alone. An increase in the state individual income tax rate from 15 percent to 16 percent will produce approximately $19 million—less than one-half of the projected loss. Even at 16 percent, a substantial reduction in the state income tax otherwise due will occur for individual state income taxpayers.

Either the budget targets must be reduced or the income tax rate must be increased—both options assume passage of the corporate and cigarette tax legislation as presented by the Revenue Committee. I testified in detail to the same on February 16, 1982, to the joint Revenue and Appropriations Committees. It is my understanding that Governor Thone has requested Budget Director Larry Bare to review all possible areas for reduction to the General Fund Budget.

In my remarks to the Revenue and Appropriations Committees, I outlined the current economic outlook as it then existed including the larger than projected national decline in the fourth quarter of 1981, unprecedented high real interest rates, a volatile money supply, a drop in real net farm income unseen in the postwar era, and the effects of the significant changes in tax structure occasioned by the Economic Recovery Tax Act. All of these factors led me to reduce estimated ending unobligated General Fund balances by $10 to $16 million for fiscal year 1981-82. The ending balance for fiscal year 1981-82 is at the same time the beginning balance for fiscal year 1982-83.

I hope I have answered your question forthrightly. If you should desire additional comment, please don't hesitate to ask.

Sincerely,
(Signed) Donald S. Leuenberger
State Tax Commissioner

cc: Governor Charles Thone
John Knight

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 662. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 729. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 669. E & R amendments found in the Journal on page 681 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 669A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 782. E & R amendments found in the Journal on page 682 for the Twenty-Sixth Day were adopted.

Miss Kilgarin offered the following amendment:
Req. #2704

1. Insert the following new section:

"Sec. 3. That section 23-1723, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1723. The sheriff's office merit commission in counties having a population of three hundred thousand inhabitants or more shall consist of five members. One member shall be a duly elected county official, appointed by the board of county commissioners. ~~One member~~ Two members shall be ~~a~~ deputy ~~sheriff~~ sheriffs, elected by the deputy sheriffs. ~~One member shall be a member of the division of corrections, elected by the members of the division.~~ Two members shall be selected by the presiding judge of the judicial district encompassing such county and shall be public representatives who are residents of the county and neither shall be an official nor an employee of the county. The terms of office of members initially appointed or elected shall expire on January 1 of the first, second, and third years following their appointment or election, as designated by the board of county commissioners. As the terms of initial members expire, their successors shall be appointed or elected for three-year terms in the same manner as the initial members. The additional public representative provided for in this section shall serve until January 1, 1977, and the additional member from the ~~division of corrections~~ deputy sheriffs shall serve until January 1, ~~1978~~ 1984, and thereafter their successors shall be appointed or elected for three-year terms.The member of the division of corrections serving on the commission on the effective date of this act shall continue to serve on the commission until the additional member from the deputy sheriffs is elected. Any vacancy shall be filled by appointment or election in the same manner as appointment or election of initial members. The commission shall have the power to declare vacant the position of any member who no longer meets the qualifications for election or appointment set out in this section.".

2. Strike standing committee amendment 3.

3. On page 3, line 24, after the first comma insert "23-1723,".

4. Renumber remaining sections accordingly.

5. In the title, line 2, after the second comma insert "23-1723,".

The amendment lost with 8 ayes, 11 nays, 12 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

MR. CLARK PRESIDING

LEGISLATIVE BILL 634. E & R amendment found in the Journal on page 790 for the Thirtieth Day was adopted.

Mr. Beutler offered the following amendment:
By deleting the words "such county, city or village" in line 15, page 2 and inserting the words "a city of the metropolitan class"

Mr. Barrett asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler
Cope
Dworak
Kahle
Kremer
Marsh
Remmers
Rumery
Schmit
Vickers
Wagner
Wesely

Voting in the negative, 29:

Apking
Beyer
Burrows
Carsten
Chronister
Clark
DeCamp
Duda
Fenger
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Lamb
Landis
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Sieck
Stoney
Von Minden
Warner
Wiitala

Present and not voting, 3:

Goll
Higgins
Koch

Excused and not voting, 3:

Barrett
Labedz
Pirsch

Absent and not voting, 2:

Chambers
Cullan

The Beutler amendment lost with 12 ayes, 29 nays, 3 present and not voting, 3 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:
to delete the words ''or substandard'' in line 18, page 2
to delete the words ''substandard or'' in line 20, page 3

The amendment was adopted with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 827. Mr. V. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

MOTION - Reconsider LB 449

Mr. Wesely moved to reconsider the Clark motion to return LB 449 for specific amendment.

Laid over.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Wednesday, March 3 and took the following actions:

Rule change by Senator Fenger, relating to cloture was indefinitely postponed.

VOTE: For: Wesely, Kahle, Sieck, Newell; Against: Beutler

Rule change by Senator Warner, relating to veto over-rides, was indefinitely postponed.

VOTE: For: Wesely, Kahle, Sieck, Newell; Against: Beutler

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 40 adults from the Nebraska Health Care Association; 16 adults from Northwestern College, Roseville, Minnesota; Greg, Priscilla, Scott, Pat, Cherrie, and Sarah Harms from Imperial; Ardy Dahl and Kathy Webster from Bridgeport; and Sandy Effle from Norfolk.

ADJOURNMENT

At 4:16 p.m., on a motion by Mr. Duda, the Legislature adjourned until 9:00 a.m., Friday, March 5, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 5, 1982

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Marsha Jark-Swain, St. Matthew Lutheran Church of North Bend and St. John Ridgeley Lutheran Church of Scribner.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Haberman, Schmit, Miss Kilgarin, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 726. Placed on General File as amended.
Standing Committee amendment to LB 726:

1. On page 12, line 23, after "in" insert "each"; and in line 25, after "in" insert "each".

(Signed) Maurice A. Kremer, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 227 and LR 228.

RESOLUTION

LEGISLATIVE RESOLUTION 230. Read. Considered.

LR 230 was adopted with 33 ayes, 0 nays, and 16 not voting.

MOTION - Return LB 126 to Select File

Mr. Chambers moved to return LB 126 to Select File for the following specific amendment:
Pg 7 strike subsection (2) of Section 4.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 10:

Beutler
Burrows
Chambers
Dworak
Fowler
Haberman
Johnson, V.
Landis
Wesely
Wiitala

Voting in the negative, 34:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Lamb
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 2:

Higgins
Kremer

Excused and not voting, 3:

Cullan
Kilgarin
Marsh

The motion to return lost with 10 ayes, 34 nays, 2 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 126.

A BILL FOR AN ACT to amend sections 28-509, 28-510, and 28-515, Reissue Revised Statutes of Nebraska, 1943, relating to crime and punishment; to provide for the crime of theft by shoplifting as prescribed; to redefine certain theft provisions; to provide a penalty; to change a penalty; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
Dworak

Present and not voting, 2:

Haberman
Marvel

Excused and not voting, 3:

Cullan
Kilgarin
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendments to LB 626:

1. On page 8, line 11, insert an underscored

comma after "1963".

2. On page 10, line 13, insert an underscored comma after the first "company".

LEGISLATIVE BILL 259. Placed on Select File as amended.
E & R amendments to LB 259:

(Unless noted all amendments are to S.C. amendments)

1. On page 2, lines 24 and 25, strike "two or"; and in line 26 strike ", as the case may be,".

2. On page 3, line 4, strike "he or she attains" and insert "they attain"; in line 19 strike "such" and insert "any"; and in line 20 insert an underscored comma after "section".

3. On page 4, insert an underscored comma after "section" in line 5 and "time" in line 14.

4. On page 5, line 16, insert an underscored comma after "notice".

5. In the new matter added by the Koch amendment, line 4, strike the period and insert an underscored colon; in line 5 strike "(A)"; in line 8 insert an underscored comma after "employee"; in line 11 strike "where" and insert "when"; in line 12 strike "effective" and insert "operative"; and in line 14 strike "the passage of this act" and insert "such date".

6. On page 6, line 19 strike the comma.

7. On page 7, line 21, strike the comma.

8. On page 8, line 2, insert an underscored comma after "year".

9. On page 12, line 27, strike "for" and insert "of".

LEGISLATIVE BILL 774. Placed on Select File.
LEGISLATIVE BILL 609. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 6, Governor's Appointments, which was approved by the Board on March 5, 1982.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

Governor's Appointments - Reference

Public Health and Welfare
Harold Dwyer - Manufactured Housing Advisory Board
Von A. Innes - Manufactured Housing Advisory Board
Tim Lynch - Manufactured Housing Advisory Board
Joe Rogers - Manufactured Housing Advisory Board
Robert Rohde - Manufactured Housing Advisory Board
Rod Tompkins - Manufactured Housing Advisory Board
Martin Huff - Manufactured Housing Advisory Board
Banking, Commerce and Insurance
Sheldon J. Harris - Nebraska Investment Council

ANNOUNCEMENT

Speaker Marvel announced LB 568 and LB 870 be set for Special Order Wednesday, March 10, 1982.

UNANIMOUS CONSENT - Withdraw Amendment to LB 428

Mr. V. Johnson asked unanimous consent to withdraw his pending amendment found in the Journal on page 1904, First Session. No objections. So ordered.

MOTION - Return LB 428 to Select File

Mr. V. Johnson moved to return LB 428 to Select File for his specific amendment found in the Journal on page 458.

The motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 428. The V. Johnson specific amendment found in the Journal on page 458 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 211
March 4, 1982

Dear Senator Wesely:

In your letter of February 26, 1982, you indicated that there seemed to be some confusion regarding the responsibilities of state agencies for the collection of state severance tax, oil and gas conservation assessments, and royalty payments from school and public lands. You ask for our opinion on these matters, because they relate to three legislative proposals currently before the Legislature, and you are considering an amendment to some of those bills to address problems related to the collection of these taxes and royalties, if such an amendment is necessary. We have detected no confusion, so far as the statutes are concerned, and all we can do is set forth the statutory provisions involved.

The oil and gas severance tax is provided for by Neb.Rev.Stat. §§57-701 to 57-714 (Reissue 1978), as amended. Section 57-704 provides for the filing of monthly reports or returns with the Tax Commissioner. Neb.Rev.Stat. §57-705 (Supp. 1981) provides that all severance taxes shall be paid to the Tax Commissioner. Section 57-709 authorizes the Tax Commissioner to bring actions for the collection of due and delinquent taxes. Section 57-712 makes it his duty to supervise and enforce the collection of all taxes due under §§57-701 to 57-714. Section 57-714 permits the Attorney General or the county attorney of any county where the natural resources are located to bring an action to enjoin the severance of oil products while there is a delinquency in any report or the payment of any tax, penalty, or cost required by §§57-701 to 57-714.

Neb.Rev.Stat. §57-919(2) (Supp. 1981) makes provision for an assessment on the value at the well of oil and gas produced, saved, and sold or transported from premises in Nebraska where produced, the sums collected to be credited to the Oil and Gas Conservation Fund. The Oil and Gas Conservation Commission fixes the amount of the assessment, and formerly was charged by §57-919 with the duty of collecting it. However, that section was amended in 1980, and now provides that it shall be the duty of the Tax Commissioner to make collection of such assessments.

Neb.Rev.Stat. §57-218 (Reissue 1978) provides:

> The governing board of all lands of the State of Nebraska, except the Board of Educational Lands and Funds, and the governing board of all cities, town, counties, public power districts, school districts and all other governmental

subdivisions of the State of Nebraska are respectively authorized and empowered to lease lands under their control for oil and gas exploration and development.

We find no statutory provision for anyone else to collect the royalties from leases entered into pursuant to that section, so presumably they should be collected by the lessors.

Neb.Rev.Stat. §72-901 (Reissue 1976) authorizes the Board of Educational Lands and Funds to lease "any school and public lands belonging to the state and under its control" for oil and gas exploration. Again, we find no provision for anyone other than the Board to collect the royalties, and it would appear to be its responsibility.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
hl
cc: Patrick O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 903. Placed on General File as amended.
Standing Committee amendments to LB 903:
Req. #2761

1. Strike the original sections and insert the following new sections:

"Section 1. That section 60-302, Revised Statutes Supplement, 1981, be amended to read as follows:

60-302. No motor vehicle, trailer, semitrailer, or cabin trailer, unless otherwise expressly provided, shall be operated on the highways of this state unless such vehicle is registered in accordance with the provisions of this act. Every owner of a vehicle required to be registered shall make application for registration to the county treasurer of the county in which the vehicle has tax situs, as defined in section 77-1202; Provided, that such application shall be a copy of a certificate of title or, in the case of a renewal of a registration, such application shall be the previous registration period's certificate. Any nonresident owner, who desires to register a vehicle or vehicles in this state, shall register in the county where the vehicle is domiciled or where the owner conducts a bona fide business. Each new application shall contain, in addition to such other information as may be required by the department, the name and post-office address of the applicant, a description of the vehicle, including the color, the manufacturer, the identification number, ~~and~~ the weight of the vehicle required by this act, and the type of fuel used to propel the motor vehicle, whether motor vehicle fuel or special fuel, and if special fuel the type of special fuel. With such application, the applicant shall pay the proper registration fee, as provided in sections 60-305.08 to 60-342. The county treasurer or his or her agent shall collect in addition to other registration fees, the sum of fifty cents for each and every certificate issued, which fee shall be transmitted by the county treasurer to the State Treasurer and shall, by the State Treasurer, be credited to the Highway Trust Fund.

Sec. 2. That section 60-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-312. The county treasurer shall furnish each applicant for registration and on each renewal of registration, a certificate of registration which shall contain upon the face thereof the following data: The name of the registered owner of the motor vehicle, his or her post-office address, ~~and~~ a description of the vehicle as set forth in the application for registration, and the type of fuel used to propel the motor vehicle, whether motor vehicle fuel or special fuel, and if special fuel the type of special fuel. It shall have and contain the identical registration number denoted on the number plate, in connection with which such certificate shall be issued. It shall be valid only for the registration period for which it is issued.

Sec. 3. That section 66-434, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-434. Any peace officer or agent of the Tax Commissioner, having probable cause to believe that such vehicle is being used for the unlawful transportation of motor vehicle fuels, shall make search thereof with or without a warrant, and in every case where a search is made with or without a warrant, and it appears that any provision in sections 66-432 to ~~66-439~~ 66-438 has been violated, the peace officer or agent shall take such fuels being unlawfully transported, the vehicle, and the person in charge thereof, into custody, and a complaint shall forthwith be filed against such party, fuels, and vehicle, and a warrant shall issue, and such party, fuels, and vehicle shall be held for trial as in a criminal action. The vehicle and the fuel so seized shall not be taken from the possession of any officer or agent seizing and holding them by writ of replevin or other proceedings.

Sec. 4. That section 66-466, Revised Statutes Supplement, 1980, be amended to read as follows:

66-466. (1) Any person, firm, or corporation, their agents, employees, or servants, who shall violate the provisions of sections 66-445 to 66-466, or who shall violate any rule or regulation ~~made~~ adopted and promulgated ~~thereunder~~ under such sections shall be subject to an administrative penalty of one thousand dollars for each violation, except that such penalty may be waived or reduced at the discretion of the Tax Commissioner.

(2) Any person, firm, or corporation, their agents, employees, or servants who shall violate the provisions of sections 66-445 to 66-466, or who shall violate any rule or regulation adopted and promulgated under such sections, for which a penalty is not ~~elsewhere~~ provided in another section, shall be deemed guilty of a Class II misdemeanor. As part of the judgment of conviction, the trial judge may order that the license or permit of the person so convicted shall be revoked, and in such case the court shall forthwith transmit to the administrator a certified copy of such judgment of conviction. Upon receipt of the certified copy of the judgment of conviction, the administrator shall cancel the license for the period of time that the court directs in the judgment. When the administrator cancels any distributor's license in the manner this section directs, then all books containing invoices of credit held by such distributor shall be accounted for and surrendered to the administrator. Upon conviction in any court within the state of operating upon the public highways thereof any motor vehicle by using therein tax credit gasoline, the trial judge shall suspend the operator's driver's license of such convicted person for a period of time not less than twelve months.

Sec. 5. That section 66-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-624. If any special fuel dealer, whether or not he or she is licensed as such, fails, neglects, or refuses to file a special fuel tax return when due, the motor fuel tax administrator shall, on the basis of information available to him or her, determine the tax liability of the special fuel dealer for the period during which no return was filed. He or she shall add to the tax, to be determined by the motor fuel tax administrator, an administrative penalty of one thousand dollars ~~the penalty~~ and interest provided in section ~~66-621~~ 45-104.01 as such rate may from time to time be adjusted by the Legislature, except that such penalty may be waived or reduced at the discretion of the Tax Commissioner. An assessment made by the administrator, pursuant to this section or to section 66-623, shall be presumed to be correct, and in any case ~~where~~ when the validity of the assessment is questioned, the burden shall be on the person who challenges the assessment to establish by a preponderance of the evidence that it is erroneous or excessive, as the case may be.

Sec. 6. Any person who owns or operates one or more motor vehicles which are not used for commercial purposes and which are propelled by special fuels may elect to receive a special fuels tax prepaid user permit and prepay an annual in lieu of special fuels tax fee for the special fuels delivered into such vehicles.

Sec. 7. Any person who desires to make the election pursuant to section 6 of this act shall file a notice of such election with the Department of Revenue. Such election shall not become effective until the department is satisfied that he or she has complied with all of the conditions of sections 6 to 9 of this act and all rules and regulations adopted and promulgated under sections 6 to 9 of this act. Such election when made shall continue in force and effect for the calendar year for which the permit is issued. The department shall prescribe the contents and form of such notice of election and such other rules and regulations as may be necessary for the proper administration of sections 6 to 10 of this act.

Sec. 8. Any person making the election under section 6 of this act to receive a special fuels tax prepaid user permit shall pay the in lieu of special fuels tax fee in the amount prescribed in Column B for each motor vehicle based on the annual mileage of the motor vehicle appearing in Column A.

Column A	Column B
Less then 10,000	$60
10,001 through 15,000	$90
15,001 through 20,000	$120

The fee shall be increased by thirty dollars for each additional five thousand miles, or portion thereof, for which the motor vehicle was driven annually. Each applicant shall, when making application, report the current odometer reading of the motor vehicle and estimate the mileage for the motor vehicle for the calendar year covered by the permit. If at the end of the calendar year for which the permit was issued the actual mileage of the motor vehicle is less than or greater than the estimated mileage reported for that period and the difference affects the amount of the fee provided by this section, the difference shall be credited on the application for renewal of the permit for the succeeding calendar year or paid to the Department of Revenue within thirty days after the calendar year for which the permit was issued or after the vehicle is sold. Any person failing to pay such amount shall be guilty of a Class II misdemeanor.

All receipts from the in lieu of special fuels tax fee shall be deposited in the Highway Trust Fund.

Sec. 9. Upon payment of the required fee under section 8 of this act, the person making the election provided under section 6 of this act shall be issued a permit by the Department of Revenue to have special fuels delivered tax free into the motor vehicle for which the permit was issued. Such permit shall be in the form of a gummed sticker prepared and distributed by the department and shall be placed in the lower left hand corner of the windshield of the motor vehicle for which it was issued. The sticker shall provide a space upon which shall be printed the license number of the motor vehicle for which such sticker was issued, the calendar year for which the permit was issued, and the expiration date of the permit. All permits issued under sections 6 to 8 of this act shall be nontransferable between persons or motor vehicles. In the event the motor vehicle is sold or otherwise not operated upon the highways of this state by the applicant for the remainder of the calendar year for which the permit was issued, such applicant may apply for a refund with the department. The amount of the refund shall be determined by prorating the original fee paid when such permit was issued over the number of months for which the permit was in force. The applicant for the refund shall state the actual number of miles which the motor vehicle was driven and the amount of refund shall be adjusted by any difference in the fee for the actual mileage driven and the original fee paid.

Sec. 10. Any person who is not licensed pursuant to the provisions of Chapter 66, article 4 or 6, who has unlawfully failed to pay any tax levied under such articles for fuels purchased or consumed prior to the effective date of this act, and who pays the tax prior to January 1, 1983, shall not be subject to any interest or penalty for failure to properly pay such tax. This section shall not apply to any person who has received a notice of audit from the Department of Revenue or the Internal Revenue Service of the United States for the period or periods during which such tax was required to be paid.

Sec. 11. That original sections 60-312, 66-434, and 66-624, Reissue Revised Statutes of Nebraska, 1943, section 66-466, Revised Statutes Supplement, 1980, and section 60-302, Revised Statutes Supplement, 1981, and also section 66-439, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Calvin F. Carsten, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 383 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 12, line 12, strike "vehicle" and insert "disabled combination of vehicles"; in line 13 after "vehicles" insert ", together with the wrecker or tow truck,"; in line 15, strike "vehicle" and insert "disabled combination of vehicles"; in line 16 strike "and"; in line 17, strike "the" and insert ". The" and strike "is" and insert "shall be"; and in line 18, strike ", if any,".

MOTION - Return LB 525 to Select File

Mr. Chambers renewed his pending motion found in the Journal on page 776 to return LB 525 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Chambers requested a record vote on his motion to return.

Voting in the affirmative, 17:

Barrett
Beutler
Chambers
Clark
Dworak
Fowler
Goll
Higgins
Kilgarin
Koch
Kremer
Landis
Nichol
Remmers
Vickers
Wesely
Wiitala

Voting in the negative, 28:

Apking
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Duda
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Labedz
Lamb
Marvel
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney

Von Minden
Wagner
Warner

Present and not voting, 2:

Hoagland
Schmit

Excused and not voting, 2:

DeCamp
Marsh

The motion to return lost with 17 ayes, 28 nays, 2 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage.

LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to criminal procedure; to compel testimony of a witness; to provide immunity; and to repeal section 29-2011.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 29:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Duda
Fenger
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 16:

Beutler
Chambers
Clark
Dworak
Fowler
Goll
Haberman
Kilgarin
Koch
Landis
Marvel
Nichol
Remmers
Schmit
Vickers
Wiitala

Present and not voting, 2:

Higgins
Wesely

Excused and not voting, 2:

DeCamp
Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 375.

A BILL FOR AN ACT relating to ground water; to provide intent; to provide for ground water management plans; to provide for the designation of a ground water management area as prescribed; to define terms; to provide for and change provisions relating to controls on ground water use; to provide powers and duties of natural resources districts; to amend section 46-672, Reissue Revised Statutes of Nebraska, 1943, sections 46-660 and 46-663, Revised Statutes Supplement, 1980, and sections 46-656, 46-657, 46-659, 46-666, 46-673, and 46-674, Revised Statutes Supplement, 1981; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Hoagland
Wesely

Excused and not voting, 1:

DeCamp

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Amendment to LB 69

Mrs. Marsh asked unanimous consent to withdraw her pending amendment to LB 69 found in the Journal on page 683. No objections. So ordered.

MOTION - Return LB 69 to Select File

Mrs. Marsh moved to return LB 69 to Select File for her specific amendment found in the Journal on page 780.

The motion to return prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 69. The Marsh specific amendment found in the Journal on page 780 was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 720. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 767A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SPEAKER MARVEL PRESIDING

LEGISLATIVE BILL 807. Title read. Considered.

Standing Committee amendments, Req. #2643, found in the Journal on page 632 for the Twenty-Fourth Day were adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 4, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Johnson, Joseph E. - Lincoln, (withdrawn 2-25-82), Wachiska Audubon Society
Sherbert, Norman R. - Denver, CO (withdrawn 2-24-82), General Motors Corporation
Skochdopole, Robert A. - Omaha, Archbishop Bergan Mercy Hospital; Creighton Omaha Regional Health Care Corporation
Smith, Ronald D. - Denver, CO Independent Petroleum Association of Mountain States
Wylie, William M. - Elgin, Nebraska School Improvement Association

RESOLUTION

LEGISLATIVE RESOLUTION 241.

Introduced by Cullan, 49th District; Koch, 12th District.

WHEREAS, it is essential that this and future generations of youth be given the fullest opportunity to learn and develop their intellectual and mental capacities and skills; and

WHEREAS, that to achieve these ends it is of the utmost importance that students attending institutions of higher education in Nebraska have reasonable alternatives to enhance their financial access to such institutions; and

WHEREAS, that proposed cuts in student aid and student loan programs at the federal level threaten to limit access to institutions of higher education to only those individuals who can afford it; and

WHEREAS, a study of financial assistance available to students attending institutions of higher education in Nebraska should include an investigation of the proposed changes in federal student aid programs and the impact of these changes on the students of Nebraska, and a determination as to the feasibility of establishing a program at the state level to supplement federal guaranteed higher education loan programs, other student loan programs, and grant or scholarship programs. This study would examine the funding, administration, organization, and authority of such a program as it would affect the access of students to sources of educational assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee conducting the interim study be encouraged to allow interested parties, including the introducer of this resolution, to participate within study.
3. That the Committee shall upon the conclusion of its study to make a report of its findings, together with its recommendation to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Cope asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

The White House
Washington

February 26, 1982

I am delighted to join the people of Nebraska as you celebrate the fiftieth anniversary of your State Capitol Building.

This golden anniversary is symbolic of the important role Nebraska has played in our national history. The Capitol building represents a people whose past as pioneers, homesteaders, and participants in the westward movement has made them forever a part of our heritage.

The "Tower of the Plains" stands as an inspiring monument to the history, aspirations, and character of the people of Nebraska. The Capitol is a building of singular beauty that houses a unique institution, our country's only unicameral legislature.

Fifty years ago, Nebraska dedicated this outstanding building to the memory of Nebraskans who sacrificed their lives to defend the nation and preserve freedom during World War I. All Americans take great pride in the commitment and spirit of the patriotic Nebraskans memorialized within the Capitol walls.

It is most fitting that you commemorate this significant hallmark in the history of you State. Congratulations on this festive occasion and may the values represented by the Nebraska Capitol always be a part of our American life.

(Signed) Ronald Reagan

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 126, 525, and 375.

GENERAL FILE

LEGISLATIVE BILL 941. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 877. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Mr. Beutler offered the following amendment:

To delete the words "closely related to" in lines 6 and 7, page 3 and adding the words "derived from"

The amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 792. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 605. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 931. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 796. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 845. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 644. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 739. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 696. Title read. Considered.

Messrs. Wagner and Kahle renewed their pending amendment found in the Journal on page 589.

Mr. Burrows asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wagner-Kahle amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 828. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 678. Title read. Considered.

Mr. Hefner renewed his pending amendment found in the Journal on page 993.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Cullan asked unanimous consent to have his name added as co-introducer to LB 522. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 480. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 845. No objections. So ordered.

VISITORS

Visitors to the Chamber were 100 seniors and instructors from Westside High School, Omaha; Stephan Hofmeister from Germany; Mr. and Mrs. Robert Andrews and son, Keith; 33 seniors and sponsors from Yutan High School; Vernon and Adalee Allan from Scottsbluff; Henrik Follin from Denmark; and Mr and Mrs. Jesse Adkins and son, Chip from Minden.

RECESS

At 11:59 a.m., on a motion by Mr. Duda, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Apking, Higgins, Labedz, Marsh, Messrs. Burrows, Chambers, Dworak, Fowler, Hoagland, V. Johnson, Kahle, Newell, Nichol, Schmit, Sieck, Warner, Wesely, and Wiitala who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 775. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 776. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 951. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 961. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 952. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 784. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 651. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 716. Title read. Considered.

Standing Committee amendment found in the Journal on page 580 for the Twenty-First Day was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 601. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 809. Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 809.

Motion pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 686 in the Journal. No objections. So ordered.

1. Insert the following new section:

“Sec. 10. That section 53-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-177. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any retail establishment at which motor vehicle fuels are sold, church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or children; Provided, that this prohibition shall not apply (1) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic liquors at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license, and (2) to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.".

2. On page 24, line 19, after "53-138.03" insert ", 53-177".

3. Renumber remaining sections accordingly.

EXPLANATION OF VOTE

Had I been present, I would have voted for LB 375.

(Signed) John W. DeCamp

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 5, 1982, at 1:20 p.m., were the following bills: 375, 525, and 126.

(Signed) Hazel Kaltenberger, Enrolling Clerk

EXECUTIVE BOARD REPORT

At the March 5, 1982 meeting of the Legislative Council Executive Board, a motion was adopted that all permanent Legislative Council employees be authorized to take as administrative leave Friday, April 9 and Monday, April 12, 1982 when the Legislature will be in recess.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

GENERAL FILE

LEGISLATIVE BILL 869. Title read. Considered.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 593. Mr. R. Peterson requested to have LB 593 passed over.

LEGISLATIVE BILL 697. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 825. Title read. Considered.

Mr. Beutler offered the following amendment:

1. On page 2, line 13, after the period insert "Attorney's fees collected pursuant to this section shall be placed in the treasury of the city, village, or county and credited to the budget of the city, village, or county attorney's office. All attorney's fees collected on behalf of a township shall be paid over to the county treasury and credited to the budget of the county attorney's office.".

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 892. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Mr. Cullan offered the following Warner amendment:

Amend LB 786 on page 4 line 14, 15, 16 & 17 reinstate the stricken language, and strike "may" in line 15, and strike the new language in line 17.

Amendment pending.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 962. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 839. Title read. Considered.

Advanced to E & R for Review with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 890. Title read. Considered.

MR. CLARK PRESIDING

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Withdraw Names to LR 240

Messrs. Koch and Vickers asked unanimous consent to withdraw their names as co-sponsors of LR 240. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #2768

1. In the Standing Committee amendments on page 6, strike beginning with "Sec." in line 15 through the first period in line 16 and insert the following:

"Sec. 2. That section 60-301, Revised Statutes Supplement, 1981, be amended to read as follows:

60-301. As used in sections 60-301 to 60-344, unless the context otherwise requires:

(1) Motor vehicles shall include all vehicles propelled by any power other than muscular power, except mopeds, farm tractors, self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops, vehicles which run only on rails or tracks, off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, snowmobiles, and minibikes, and road

and general purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch-digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, and self-propelled invalid chairs;

(2) Highways shall include public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(3) Trucks shall include motor vehicles equipped or used for the transportation of property;

(4) Trailer shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(5) Semitrailer shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(6) Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle, and not exceeding eight feet in width, or forty feet in length, or thirteen and one half feet in height;

(7) Truck-tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(8) Owner shall mean a person, firm, or corporation who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for the purpose of sections 60-301 to 60-344. For the purpose of sections 60-301 to 60-344, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November, 1976;

(9) Vehicle shall mean every device in, upon, or

by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks;

(10) Fleet shall include one or more apportionable vehicles;

(11) Transporter shall mean every person lawfully engaged in the business of transporting vehicles, not his or her own, by driving singly, or in combinations by the towbar, fullmount, or saddlemount methods or any combinations thereof, or ~~where~~ when a truck or tractor draws a semitrailer or tows a trailer, solely for delivery thereof;

(12) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

(13) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(14) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation, and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) Local trucks shall mean trucks having a gross weight of less than twenty-five tons and operated wholly and exclusively within an incorporated city or village, or within ten miles of the corporate limits, where they are owned and operated, which trucks shall carry on their license plates, in addition to the registration number, designation of local plate;

(16) Farm trucks shall mean trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers, used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce, to or from storage or market, or used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or used occasionally to carry camper units, which trucks shall carry on their license plates, in addition to the registration number, the designation farm, and the words NOT FOR HIRE;

(17) Agricultural products shall mean field crops, horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the

by-products derived from any of them;

(18) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less, attached to a motor vehicle and used wholly and exclusively to carry miscellaneous items of personal property, which trailers shall carry on their license plate, in addition to the registration number, the letter X;

(19) Local commercial truck shall mean a truck and combinations of trucks, truck-tractors, or trailers, or semitrailers having a gross weight of twenty-five tons or more and operated solely within an incorporated city or village, or within five miles of the corporate limits, which trucks shall carry on their license plates in addition to the registration number, the letters LC;

(20) Farm trailer shall include any trailer or semitrailer used wholly and exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market, and attached to a passenger car or farm licensed vehicle, or used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market, which trailers shall carry on their license plate in addition to the registration number, the letter X, but farm trailer shall not include a trailer so used when attached to a farm tractor;

(21) Motorcycle shall mean every motor vehicle, except a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(22) Fertilizer trailer shall mean any trailer designed and used exclusively to carry or apply agricultural fertilizer and having a gross weight including load thereon of twenty thousand pounds or less, which trailers shall carry on their license plate in addition to the registration number, the letter X;

(23) Apportionable vehicle shall mean any vehicle used in two or more jurisdictions that allocate or proportionally register vehicles and are used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, except that such term shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) have a gross vehicle weight in excess of twenty-six

thousand pounds, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles, or combinations thereof, having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles may be proportionally registered at the option of the registrant;

(24) Noncontracting reciprocity state shall mean any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles, and does not require as a condition to operate on the highways of that state (a) any type of vehicle registration or allocation of vehicles for registration purposes, or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

(25) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire;

(26) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground; and

(27) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement.

Sec. 3. That section 60-330, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-330. The registration fee on local and local commercial trucks shall be based on the gross vehicle weight as defined in section 60-331, and local and local commercial trucks shall be registered at a fee of thirty per cent of the commercial registration fee; Provided, that no local or local commercial truck shall be registered for a fee of less than eighteen dollars; and provided further, the registration fee for each pickup truck with a factory rated capacity of one ton or less shall be eighteen dollars, except that commercial pickup trucks with a gross load of over three tons shall be registered for the fee provided for commercial trucks. For the registration of farm trucks, including combinations of trucks or truck-tractors and trailers or semitrailers having a gross vehicle weight of less than fifteen tons, the registration fee shall be ~~for one ton or less factory rated carrying capacity,~~ eighteen dollars for up to and including five tons gross vehicle weight, and in excess of five tons the fee shall be twenty-two dollars. For combinations of trucks or truck-tractors and trailers or semitrailers weighing fifteen tons or more registered as a farm truck, except as provided in section 60-331.04, the registration fee shall be based upon the gross vehicle weight as defined in section 60-331. The registration fee on combinations of farm trucks weighing fifteen tons or more shall be at the following rates: For a gross weight of fifteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons, and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Combinations of trucks or truck-tractors and trailers or semitrailers weighing fifteen tons or more shall not be used in exchange of services. ~~Truck tractor and semitrailer combinations owned and used exclusively by irrigation districts, natural resources districts, or other political subdivisions of the State of Nebraska for the hauling of their draglines, bulldozers, caterpillar tractors, and ditchers shall pay the registration fee as provided in section 60-333.~~ Pole and cable reel trailers owned and operated exclusively by public utility companies shall be licensed at a fee based on two dollars for each one thousand pounds load to be hauled or any fraction thereof and such load shall not exceed sixteen thousand pounds.

Sec. 4. Any person using a truck or combinations of trucks or truck-tractors and trailers or semitrailers registered as a farm truck pursuant to sections 60-301 and 60-330 in violation of the uses authorized by such sections shall be guilty of a Class IV misdemeanor and shall be required to register such vehicle as a commercial vehicle for the entire year in which the violation occurred.

Sec. 5. That original section 60-330, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,181 and 60-301, Revised Statutes Supplement, 1981, are repealed.".

VISITORS

Visitors to the Chamber were 8 students, teacher, and sponsors from Malmo Public Schools; Terry Johnson, Susan Dier, Brian Wolford, Mike Rockford, and Steve Kahle, Senator Kahle's grandson, all from

Kearney; Mr. and Mrs. Bill Stanacek and daughter Shannon, and Sue Wickman from Pierce; Elisa Sorano-Coatzacoalcos from Mexico; and a group from Sidney including Sidney Lady Raiders Basketball team - Kim Mason, Stacy Bartling, Shawn Banks, Linda Loschen, Rona Bartling, Amber Billings, Patty Hecht, Deneanne Ward, Dana Matzke, and Jane Wieser, coach, Bill Willburn, their statisticians, Jeannie Washburn, Barbie Young, Cara Bowzer, Debbie Bergan, and Jane Narjes.

ADJOURNMENT

At 3:40 p.m., on a motion by Mr. Wagner, the Legislature adjourned until 9:30 a.m., Monday, March 8, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 8, 1982

LEGISLATIVE JOURNAL

THIRTY-EIGHTH DAY - MARCH 8, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 8, 1982

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by David Cloeter, Chaplain, State Penitentiary, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Haberman, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2773.)

REPORT

Received proposed lease renewal for Historical Society.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 230.

MOTION - Approve Appointments

Mrs. Labedz moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 933: C. Mickey Skinner.

Voting in the affirmative, 37:

Apking
Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Beyer
Chambers
Fowler
Goodrich
Higgins
Lamb
Marsh
Wagner

Excused and not voting, 3:

Dworak
Haberman
Stoney

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 993: Dean G. Kratz.

Voting in the affirmative, 37:

Apking
Barrett
Beutler
Burrows
Carsten
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Landis
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 9:

Beyer
Chambers
Chronister
Fowler
Johnson, V.
Kremer
Lamb
Marsh
Warner

Excused and not voting, 3:

Dworak
Haberman
Stoney

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 231. Read. Considered.

LR 231 was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 233. Read. Considered.

Mr. Schmit offered the following amendment:

1. In LR 233 found on page 942 of the Journal, in line 7 of the third Whereas before "and" insert "North Dakota,".

The amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Newell offered the following amendment:

Amend Resolved paragraph 2. to strike "will join" and add "intent to join".

A new section 3.

The Nebraska Unicameral urges the Dept. of Environmental Control to hold hearing this summer.

The amendment lost with 8 ayes, 21 nays, 19 present and not voting, and 1 excused and not voting.

MR. CLARK PRESIDING

LR 233 was adopted with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 234. Read. Considered.

Mrs. Pirsch offered the following amendment:

Change "1. That the members of the Legislature acknowledges the plight of crime victims, and that other states have expressed their concern by establishing the week of April 26th as Forgotten Victims Week." to read as follows:

"1. That the members of the Legislature acknowledges the plight of crime victims, and that other states have expressed their concern by establishing the week of April 18th as Victim Rights Week."

Change "2. That the Legislature hereby declares the week of April 26 to May 1, 1982, to be Forgotten Victims Week in Nebraska." to read as follows:

"2. That the Legislature hereby declares the week of April 18 to April 24, 1982, to be Victim Rights Week in Nebraska."

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Pirsch amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LR 234 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 238. Read. Considered.

Messrs. Newell and Goodrich asked unanimous consent to have their names added as co-introducers to LR 238. No objections. So ordered.

LR 238 was adopted with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

MOTION - Place LB 924 on General File

Mr. Chronister moved that LB 924 be placed on General File pursuant to Rule 3, Sec. 18(b).

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 873A. By Schmit, 23rd District.

This bill introduced on behalf of: LB 873.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 873, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 372A. By Koch, 12th District.
This bill introduced on behalf of: LB 372.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 372, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

LEGISLATIVE BILL 676A. By Beutler, 28th District.
This bill introduced on behalf of: LB 676.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 676, Eighty-seventh Legislature, Second Session, 1982.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 690. Indefinitely postponed.
LEGISLATIVE BILL 800. Indefinitely postponed.
LEGISLATIVE BILL 843. Indefinitely postponed.
LEGISLATIVE BILL 949. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 242.

Introduced by Remmers, 1st District.

WHEREAS, the Humboldt Cardinals girls basketball team closed the 1982 season by capturing the Class D girls basketball championship; and

WHEREAS, the winning of such a championship is a demonstration of the willingness of the team and its coach, Don Overfield, to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends the spirit and athletic ability exhibited by the Humboldt Cardinals girls basketball team as demonstrated by its participation in the Class D championship game.

2. That the members of the Legislature extend their congratulations and best wishes to the members of the Humboldt Cardinals girls basketball team for winning the state Class D championship.

3. That a copy of this resolution be sent to Don Overfield, coach of the Humboldt Cardinals girls basketball team.

Laid over.

LEGISLATIVE RESOLUTION 243.

Introduced by Koch, 12th District.

WHEREAS, the Nebraska State Student Association has developed a professional organization representing the concerns of students attending the state-funded colleges and the University of Nebraska; and

WHEREAS, the Nebraska State Student Association has as its goals the promotion of the high quality of education and the efficient financing of higher education on these campuses; and

WHEREAS, the Nebraska State Student Association will endeavor to work closely with the Governor, the Legislature of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the Board of Regents of the University of Nebraska; and

WHEREAS, in July of 1982 the two originating campuses of Peru State College and the University of Nebraska-Lincoln, representing the smallest and the largest Nebraska campuses, will be joined by the University of Nebraska-Omaha and Wayne State College as active members on the board of directors and in the legislative assembly of the Nebraska State Student Association; and

WHEREAS, the State of Nebraska and state-funded college and university systems will benefit from the activities of the NSSA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature gives its recognition to the Nebraska State Student Association as a concerned student organization.

2. That the Legislature recognizes the amount of time and student effort that went into the organization of a professional representative group that will give a unified voice to the concerns of students studying at these colleges and university campuses.

Laid over.

LEGISLATIVE RESOLUTION 239. Read. Considered.

LR 239 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 237. Read. Considered.

Mr. Warner offered the following amendment:

Amend LR 237 by striking Resolve 4 and insert the committee shall be seven members of the Legislature selected by the Executive Board. The Chairman shall be selected by the Executive Board.

The amendment lost with 6 ayes, 19 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:

1. Strike original resolve 1, 2, and 4 and insert:

1. That the Legislative Public Works Committee be charged with conducting an in-depth investigation and study of the entire area and spectrum of bid-rigging to include a determination whether there was participation by any state employees or publicly elected officials at any level of government in the State of Nebraska and to determine whether there was a de-facto participation or allowance of the Nebraska bid-rigging by a lack of adequate supervision by any elected public official or state employee;

2. That the Legislature's Executive Board shall provide all assistance as the Executive Board deems necessary and proper;

2. Amend Resolve 3.

In the first line strike "this investigative committee" and insert "the Public Works Committee".

The amendment was adopted with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Nichol moved to refer LR 237 to the Executive Board for referral.

The motion lost with 16 ayes, 16 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Koch moved to indefinitely postpone LR 237.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Cullan requested a record vote on the Koch motion.

Voting in the affirmative, 10:

Barrett
Carsten
Cope
Cullan
Duda
Goll
Koch
Remmers
Stoney
Warner

Voting in the negative, 31:

Apking
Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Fenger
Fowler
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 6:

Clark
Goodrich
Johnson, L.
Newell
Sieck
Von Minden

Excused and not voting, 2:

Dworak
Higgins

The Koch motion lost with 10 ayes, 31 nays, 6 present and not voting, and 2 excused and not voting.

VISITORS

Visitors to the Chamber were 50 students and teachers from Millard High School; Mr. and Mrs. Eric Sheers and Diane; 6 students and teacher from Riley School, Lincoln; Mr. Abdelkrim Moussa, Foreign Policy and Political Counselor to the Prime Minister of Tunisia; Ms. Narjess Boughrara, free-lance journalist of Tunisia; and Ms. Michelle Raccagni, U.S. Escort-Interpreter.

RECESS

At 12:01 p.m., on a motion by Speaker Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Mesdames Apking, Higgins, Labedz, Marsh, Pirsch, Miss Kilgarin, Messrs. Burrows, Chronister, Hoagland, V. Johnson, Landis, Newell, R. Peterson, Remmers, and Wesely who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wiitala asked unanimous consent to add his name as co-introducer to LB 768. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

Req. #2776

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-3606, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3606. (1) For fiscal years ~~1980-81 and~~ 1981-82 and 1982-83 the Legislature shall appropriate seventy million dollars from the General Fund to a special fund to be known as the Local Government Revenue Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) For fiscal years ~~1980-81 and~~ 1981-82 and 1982-83 the Legislature shall annually appropriate and distribute seventy million dollars from the Local Government Revenue Fund. Of such funds appropriated, thirty-seven million nine hundred seventy-seven thousand six hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million twenty-two thousand four hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(3) For purposes of subsection (2) of this

section (a) actual value of agricultural real estate shall mean the total actual value of all agricultural lands, lots, and improvements in this state computed by adding the actual value of dry cropland, irrigated cropland, rangeland and meadow, pasture land, wasteland, agricultural improvements, and agricultural land or lots in each county as reported in lines 14 through 18, 20, 29, and 30 of the most current County Abstract of Assessment Form 45, (b) actual value of commercial-industrial real estate shall mean the total actual value of all suburban commercial land or lots, suburban commercial improvements, suburban industrial land or lots, suburban industrial improvements, commercial land or lots, commercial improvements, industrial land or lots, and industrial improvements in this state computed by adding the actual value of real estate in each county as reported in lines 23 to 26 and 33 to 36 of the most current County Abstract of Assessment Form 45, and (c) actual value of suburban-residential real estate shall mean the total actual value of all suburban residential land or lots, suburban residential improvements, unimproved lots, residential land or lots, and residential improvements in this state computed by adding the actual value of real estate in each county as reported in lines 21, 22, 28, 31, and 32 of the most recent County Abstract of Assessment Form 45. ~~For fiscal year 1980-81 funds shall be distributed based on the 1980 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for~~ For fiscal year 1981-82 funds shall be distributed based on the 1981 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for fiscal year 1982-83 funds shall be distributed based on the 1982 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment.

Sec. 2. That section 77-3607, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3607. Each county shall receive a share of the funds distributed pursuant to section 77-3606 based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the

Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, ~~1980~~ 1981, and December 5, ~~1981~~ 1982. ~~For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to May 23, 1981, shall be added to the initial payment made following May 23, 1981.~~ The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 77-3608.

Sec. 3. That section 77-3608, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3608. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, ~~1980~~ 1981, and December 5, ~~1981~~ 1982. ~~For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to May 7, 1981, shall be added to the initial payment made following May 7, 1981.~~

Sec. 4. That section 77-3610, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3610. Sections 77-3605 to 77-3609 shall terminate on July 1, ~~1982~~ 1983.

Sec. 5. That original sections 77-3606 to 77-3608 and 77-3610, Revised Statutes Supplement, 1981, and also sections 77-3611 to 77-3615, Revised Statutes Supplement, 1981, are repealed.”.

RESOLUTION

LEGISLATIVE RESOLUTION 237. Considered.

Mr. Haberman moved that LR 237 be referred to the Government, Military and Veterans Affairs Committee.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Haberman motion lost with 4 ayes, 21 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:

While the provisions of LR 237 are being carried out, Senator Chambers shall be allowed to function as a member of the Public Works Committee.

The amendment lost with 20 ayes, 12 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Cullan requested a record vote on the adoption of LR 237.

Voting in the affirmative, 33:

Apking
Beutler
Beyer
Burrows
Chambers
Clark
DeCamp
Dworak
Fenger
Fowler
Haberman
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 9:

Barrett
Carsten
Cope
Cullan
Duda
Goll
Sieck
Stoney
Warner

Present and not voting, 3:

Goodrich
Koch
Wiitala

Excused and not voting, 4:

Chronister Hoagland Marsh Pirsch

LR 237 was adopted with 33 ayes, 9 nays, 3 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 956. Placed on General File as amended.
Standing Committee amendments to LB 956:

1. On page 3, in lines 19 and 20, strike the new matter.
2. On page 4, line 25, strike "specific" and insert "particular statutory".
3. On page 8, line 10, strike "pody" and insert "body"; and in line 19, after "available" insert "for examination" and after "least" insert "a total of".

(Signed) Martin Kahle, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 870 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2773.)

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

Governor's Appointments
Monday, March 29, 1982 1:00 p.m.
Manufactured Housing Advisory Board
Harold Dwyer
Von A. Innes
Tim Lynch
Joe Rogers
Robert Rohde
Rod Tompkins
Martin Huff

(Signed) Samuel K. Cullan, Chairperson

GENERAL FILE

LEGISLATIVE BILL 817. Title read. Considered.

Messrs. Vickers and Beutler moved to indefinitely postpone LB 817.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Landis requested a roll call vote on the Vickers-Beutler motion.

Voting in the affirmative, 21:

Barrett
Beutler
Beyer
Carsten
Clark
Cope
Goll
Haberman
Johnson, L.
Johnson, V.
Kahle
Koch
Lamb
Nichol
Pirsch
Sieck
Stoney
Vickers
Wagner
Warner
Wesely

Voting in the negative, 23:

Burrows
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Remmers
Rumery
Schmit
Von Minden
Wiitala

Present and not voting, 3:

Apking
Marvel
Peterson, R.

Excused and not voting, 1:

Chronister

Absent and not voting, 1:

Chambers

The Vickers-Beutler motion lost with 21 ayes, 23 nays, 3 present and not voting, 1 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:
by striking subsection (11) in section 17.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:
by deleting the word "fifty" on line 22 page 20 and substituting the word "thirty".

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:
by striking subsection 6(b) of Sec 4 on page 7.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barrett
Beutler
Beyer
Chambers
Clark
Cope
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Marvel
Nichol
Pirsch
Sieck
Stoney
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 22:

Apking
Burrows
Carsten
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Hefner
Hoagland
Kilgarin
Labedz
Landis
Marsh
Newell
Peterson, H.
Remmers
Rumery
Schmit
Von Minden
Wesely

Present and not voting, 6:

Chronister
Goll
Goodrich
Haberman
Higgins
Peterson, R.

The Beutler amendment lost with 21 ayes, 22 nays, and 6 present and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment:

1. Page 2, strike beginning with "due" in line 5 through "jobs," in line 6; line 15, strike "have" and insert "may"; line 16, strike "resulted" and insert "result"; line 16, strike "will" and insert "may".

2. Page 3, strike beginning with "are" in line 23 through "and" in line 24.

3. Page 4, strike subsection (4) on lines 2 through 6, and renumber the remaining subsections.

Mr. Schmit asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

The Vickers amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Beutler offered the following amendment:

by changing the word "four" to "five" on line 15, page 9.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Apking
Burrows
Carsten
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Kilgarin
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden
Wiitala

Voting in the negative, 16:

Barrett
Beutler
Beyer
Clark
Cope
Goll
Johnson, V.
Kahle
Koch
Kremer
Lamb
Nichol
Pirsch
Stoney
Vickers
Warner

Present and not voting, 6:

Chambers	Haberman	Wagner
Chronister	Sieck	Wesely

Excused and not voting, 1:

Schmit

Advanced to E & R for Review with 26 ayes, 16 nays, 6 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 244.

Introduced by Chambers, 11th District.

WHEREAS, in 1981 the Legislature went on record endorsing the expedited completion of the Omaha North Freeway by adopting LR 189; and

WHEREAS, in 1982 the Legislature reaffirmed its endorsement by killing LB 364 which would have halted construction of the freeway; and

WHEREAS, in 1982 the Legislature, by rejecting LR 214, refused to guarantee State funding to complete the freeway if Federal funds are not available; and

WHEREAS, in 1982 the Legislature rejected LR 222 which declared that no construction should begin if the Federal government refuses to guarantee funds for completion of the freeway; and

WHEREAS, in a letter to Senator Ernie Chambers dated February 23, 1982, Federal Highway Administrator R. A. Barnhart, expressly refused to guarantee funds for completing the freeway.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That construction of the Omaha North Freeway should begin, despite no guarantee of sufficient funds and little likelihood of completion of the project.
2. That relocation of utilities begin as soon as weather conditions permit.
3. That a copy of this Resolution be sent to Secretary of Transportation Drew Lewis, Federal Highway Administrator R. A. Barnhart, and "That's Incredible".

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 714 in the Journal. No objections. So ordered.

(White Copy Request 2605)

1. On page 7, line 24, strike "is" and insert "the court deems".

2. On page 8, strike beginning with "and" in line 4 through "court" in line 6 and insert ". Unauthorized disclosure of such confidential records and information or any violation of the rules and regulations of the Department of Welfare shall be a Class III misdemeanor"; strike beginning with the comma in line 8 through "that" in line 9; and in lines 16 and 19, after "The" insert "person or court in charge of the child shall require that the".

3. On page 10, line 8, after "criteria" insert "including, but not limited to".

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

Amendments to Committee Amendment
(Amendments to Req. 2635)

1. On page 1, strike beginning with "There" in line 10 through the period in line 12.

2. On page 2, line 4, strike "21" and insert "11"; in line 9 after the semicolon insert "and"; and strike beginning with the semicolon in line 20 through "act" in line 26.

3. On page 4, strike beginning with "No" in line 5 through the period in line 7.

4. On page 7, line 12, strike "and 19 to 21".

5. On page 8, line 6, after the semicolon insert "and"; and strike beginning with "The" in line 7 through "(8)" in line 11.

6. Strike sections 12 to 21.

7. Renumber sections 22 to 25 as sections 12 to 15 respectively.

8. On page 20, strike beginning with "to" in line 1 through the first semicolon in line 3; and strike beginning with "to" in line 5 through the semicolon in line 7.

Mr. Koch asked unanimous consent to print the following amendment to LB 629 in the Journal. No objections. So ordered.

Req. #2765

1. Insert the following new section:

“Sec. 2. That section 77-3424 Revised Statutes Supplement, 1981, be amended to read as follows:

77-3424. For the purposes of sections 77-3412 to 77-3431, anticipated receipts from local tax sources shall not include: (1) Receipts for any fund used for retiring, refunding, or servicing construction warrants or bonded indebtedness or for any fund used for repayment of loans for asbestos removal, detection, or containment projects; (2) funds used to pay for the first year’s implementation of any new program established by state law and specifically designated as a new program for the purposes of sections 77-3412 to 77-3431, but such funds shall be included in computing the combined receipts budget base for each year following the first year; (3) receipts from the increased tax levied or caused to be levied pursuant to the authority granted under section 77-3428; (4) receipts from any tax levied pursuant to section 79-506.02; (5) funds used for payment of employer contributions for the provisions of the Federal Insurance Contributions Act, fuel for any purpose, and electricity which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items; ~~and~~ (6) funds used to correct a waste of energy or to carry out a program of energy conservation as identified by an energy audit conducted by a professional engineer or by the State Energy Office under the institutional buildings grant program; and (7) funds used to pay for the publication of legal notices pursuant to section 33-141 which are in excess of one hundred seven per cent of the amount budgeted in the immediately preceding fiscal year for such items.”.

2. On page 6, line 13, strike “is” and insert “and section 77-3424, Revised Statutes Supplement, 1981, are”.

3. Renumber original section 2 as section 3.

Mr. Koch asked unanimous consent to print the following amendment to LB 892 in the Journal. No objections. So ordered.

1. Insert the following new section:

“Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.”.

Mr. Koch asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

1. On page 16, in lines 3 and 4, strike the new matter.

Mr. Koch asked unanimous consent to print the following amendment to LB 605 in the Journal. No objections. So ordered.

Req. #2777

1. Insert the following new section:

"Sec. 4. That section 81-5,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,100. Any political subdivision may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the board copies of its current inspection ordinances or resolutions and codes. No political subdivision shall require any individual, partnership, corporation, or other business association holding a license from the board to (1) pay any license fee or (2) take any examination if the person holds a current license issued by the board which is of a classification equal to or greater than the classification needed to do the work proposed. Any such political subdivision may provide a requirement that each individual, partnership, corporation, railroad, or other business association doing electrical work within the jurisdiction of such political subdivision have on file with the political subdivision a copy of the current license issued by the board or such other evidence of such license as may be provided by the board.".

2. On page 3, line 26, strike "section" and insert "sections" and after "81-586" insert "and 81-5,100".

3. Renumber original section 4 as section 5.

Mr. Haberman asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2774.)

Mr. Fowler asked unanimous consent to print the following amendment to LB 458 in the Journal. No objections. So ordered.

Req. #2779

1. In the DeCamp, Apking amendment on page 965 of the Journal:

a. In amendment 2 after section 18 insert:

"Sec. 19. That section 35-212, Revised Statutes

Supplement, 1980, be amended to read as follows:

35-212. Every such firefighter may be required by the city to contribute to the city an amount equal to not more than five per cent of his or her salary until such firefighter shall be entitled to retire or otherwise become eligible for a pension under the provisions of sections 35-205 to 35-214, which amount may be deducted from the salary of every such firefighter. No firefighter continuing in the employment of the city as a member of such department after becoming eligible to retire shall be required to make any further contribution. Any firefighter whose employment shall terminate, whether by discharge or otherwise, prior to the time he or she shall become entitled to a pension, and who shall have made contributions from his or her salary as hereinbefore provided shall~~, upon demand, be reimbursed by the city for the amount of such contributions plus interest at five per cent per annum~~ be entitled to receive the lump-sum return of accumulated contributions plus interest at five per cent per annum to the date of termination.

In lieu of such lump-sum benefit, a firefighter with ten or more years of service may elect to receive a deferred annuity to commence at age fifty-five. If this election is made, the accumulated contributions of the member may not be withdrawn from the system. The deferred annuity to commence at age fifty-five shall be computed as fifty per cent of the firefighter's salary at the date of termination multiplied by the ratio of the years of his or her service at the date of termination to twenty-one, such ratio not to exceed one. In the event of the death of a terminated firefighter during the deferred period, the accumulated contributions with regular interest to the date of death shall be paid as a lump-sum benefit.

b. In section 13, in line 5, strike beginning with "the" through "benefit" and insert ", a police officer with ten or more years of service may elect to receive a deferred annuity to commence at age sixty. If this election is made, the accumulated contributions of the member may not be withdrawn from the system. The deferred annuity to commence at age sixty shall be computed as fifty per cent of the police officer's regular pay at the date of termination multiplied by the ratio of the years of his or her service at the date of termination to twenty-five, such ratio not to exceed one. In the event of the death of a terminated police officer during the deferred period, the accumulated contributions with interest at five per cent per annum to the date of death shall be paid as a lump-sum benefit".

c. In amendment 3, in line 4 after “23-2315” insert “, 35-212,”.

Mr. Stoney asked unanimous consent to print the following amendment to LB 809 in the Journal. No objections. So ordered.

1. On page 2, in line 27, strike the new matter and insert:

“No sentence or condition of probation shall be imposed on any person convicted under this subsection in a manner which reduces the actual term of imprisonment served by the convicted person and the actual fine paid by the convicted person to less than the minimum term or fine prescribed under this section.”.

2. On page 3, in lines 1 through 4, strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 852. Title read. Considered.

Standing Committee amendments found in the Journal on page 614 for the Twenty-Fourth Day were considered.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kremer renewed his pending amendment to the Standing Committee amendments found in the Journal on page 717.

The Kremer amendment was adopted with 23 ayes, 0 nays, 24 present and not voting, and 2 excused and not voting.

Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Beutler renewed his pending amendment found in the Journal on page 878.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Pending.

VISITORS

Visitors to the Chamber were Jim Bowhay and Jack Brinkley of C.S.G. Midwest Conference; and Bonnie Abboud, Rosemary Pagge, Bev Traub, and Janet Remington of the Omaha Branch of American Association of University Women.

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Tuesday, March 9, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 9, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 9, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Marvel presiding.

PRAYER

The prayer was offered by Rev. Morris Venden, College View Seventh Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Chambers, Dworak, Fowler, Haberman, V. Johnson, Koch, Newell, Schmit, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 720. Placed on Select File as amended.
E & R amendment to LB 720:
1. On page 2, line 10, insert an underscored comma after "that".

LEGISLATIVE BILL 767. Placed on Select File as amended.
E & R amendment to LB 767:
1. On page 2, line 18, insert an underscored comma after "Services".

LEGISLATIVE BILL 767A. Placed on Select File.

LEGISLATIVE BILL 807. Placed on Select File as amended.
E & R amendments to LB 807:

1. On page 4, line 11, insert "that" after "request".
2. On page 9, line 18, strike the comma.
3. In S. C. amendments, page 2, insert "the second" at the end of line 14.
4. On page 10, line 18, strike "and verified" and reinsert the same after "clerk" and strike "by".
5. On page 11, line 6, strike "and verified" and reinsert the same after "clerk" and strike "by".
6. In S. C. amendments, page 3, line 11, strike "for" and insert "forth".
7. In S. C. amendments, page 4, line 8, insert an underscored comma after "warrants".
8. On page 13, line 24, strike "and verified" and reinsert the same after "clerk" and strike "by".
9. On page 14, line 14, strike "and verified" and reinsert the same after "clerk" and strike "by".
10. On page 15, strike beginning with "punished" in line 17 through the end of the sentence and insert "guilty of a Class I misdemeanor with a limit of three hundred dollars on the fine."; and strike beginning with "punished" in line 26 through line 1 on page 16, and insert "guilty of a Class I misdemeanor with a limit of five hundred dollars on the fine.".
11. On page 16, strike beginning with "punished" in line 10 through line 12, and insert "guilty of a Class I misdemeanor with a limit of three hundred dollars on the fine."; and strike line 17 and insert "be guilty of a Class IV felony but imprisonment shall not be included as part of the punishment and the fine shall not exceed five thousand".
12. In the title, line 4, insert "to provide penalties;" after the second semicolon.

LEGISLATIVE BILL 941. Placed on Select File.
LEGISLATIVE BILL 877. Placed on Select File.
LEGISLATIVE BILL 577. Placed on Select File.
LEGISLATIVE BILL 792. Placed on Select File.
LEGISLATIVE BILL 605. Placed on Select File.

LEGISLATIVE BILL 931. Placed on Select File as amended.
E & R amendment to LB 931:

1. On page 3, line 12, insert a comma after "that";

and in line 14, strike "that".

LEGISLATIVE BILL 796. Placed on Select File.
LEGISLATIVE BILL 845. Placed on Select File.
LEGISLATIVE BILL 644. Placed on Select File.
LEGISLATIVE BILL 739. Placed on Select File.
LEGISLATIVE BILL 696. Placed on Select File.
LEGISLATIVE BILL 828. Placed on Select File.
LEGISLATIVE BILL 642. Placed on Select File.
LEGISLATIVE BILL 678. Placed on Select File.
LEGISLATIVE BILL 775. Placed on Select File.
LEGISLATIVE BILL 776. Placed on Select File.
LEGISLATIVE BILL 951. Placed on Select File.
LEGISLATIVE BILL 961. Placed on Select File.
LEGISLATIVE BILL 952. Placed on Select File.
LEGISLATIVE BILL 784. Placed on Select File.
LEGISLATIVE BILL 651. Placed on Select File.

LEGISLATIVE BILL 716. Placed on Select File as amended.
E & R amendment to LB 716:

1. In the title, line 8, insert ", and also sections 25-1222.02 and 25-1267.01 to 25-1267.45, Reissue Revised Statutes of Nebraska, 1943".

LEGISLATIVE BILL 743. Placed on Select File.
LEGISLATIVE BILL 601. Placed on Select File.

LEGISLATIVE BILL 869. Placed on Select File as amended.
E and R amendment to LB 869:

1. In the title, line 4, insert "manufacturing, creation, or" after "the".

LEGISLATIVE BILL 697. Placed on Select File.
LEGISLATIVE BILL 825. Placed on Select File.
LEGISLATIVE BILL 892. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File as amended.
E & R amendment to LB 962:

1. On page 3, line 19, strike the comma; and in line 24, insert an underscored comma after "paramount".

LEGISLATIVE BILL 839. Placed on Select File.

LEGISLATIVE BILL 890. Placed on Select File as amended.
E & R amendment to LB 890:

1. On page 3, line 7, insert "State" after

"The".

Correctly Engrossed

The following bills were correctly engrossed: 579, 662, 677, 718, 719, 728, 729, 764, and 778.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 579

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 579:

In standing committee amendment 2, line 1, "2 and 3" has been stricken and "1 and 2" inserted.

(Signed) Emory P. Burnett
E & R Attorney

MOTION - Place LB 824 on General File

Mrs. Labedz moved to place LB 824 on General File pursuant to Rule 3, Section 18(b).

Laid over.

MOTION - Place LB 924 on General File

Mr. Chronister renewed his pending motion to place LB 924 on General File pursuant to Rule 3, Section 18(b) found in the Journal on page 1037.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chronister moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. NICHOL PRESIDING

Mr. Chronister requested a roll call vote on his motion.

Voting in the affirmative, 25:

Apking	Cope	Fowler	Haberman	Johnson, L.
Beyer	DeCamp	Goll	Hefner	Johnson, V.
Chronister	Duda	Goodrich	Higgins	Kahle

Kilgarin
Kremer
Labedz
Marsh
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Von Minden

Voting in the negative, 10:

Burrows
Cullan
Hoagland
Lamb
Landis
Nichol
Stoney
Wagner
Wesely
Wiitala

Present and not voting, 7:

Barrett
Beutler
Carsten
Fenger
Marvel
Peterson, R.
Vickers

Excused and not voting, 7:

Chambers
Clark
Dworak
Koch
Newell
Schmit
Warner

The motion prevailed with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the Call raised.

GENERAL FILE

LEGISLATIVE BILL 652. Title read. Considered.

Standing Committee amendments found in the Journal on page 567 for the Twenty-First Day were considered.

Mr. Hoagland requested a division of the question of the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendments are section 1 and section 3.

Standing Committee amendments 1 and 3 lost with 19 ayes, 8 nays, 15 present and not voting, and 7 excused and not voting.

The second Standing Committee amendment is section 2.

Standing Committee amendment 2 was adopted with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. DeCamp and H. Peterson renewed their pending amendment, Req. #2652, found in the Journal on page 746.

Mr. Fowler requested a division of the question of the DeCamp-H. Peterson amendment.

The Chair sustained the division of the question.

The first amendment is Sec. 2 (2) as follows:

> (2) For the ensuing school year, waive the school from complying with rules and regulations adopted pursuant to section 79-328 relating to the instructional program, materials, and equipment requirements set for approval status; and

The amendment lost with 3 ayes, 30 nays, 10 present and not voting, and 6 excused and not voting.

The second DeCamp-H. Peterson amendment is the remaining sections.

Mr. Koch offered the following amendment to the second DeCamp-H. Peterson amendment:

Strike Sec 5 & 6 of the DeCamp amendment.
Insert a new section: This act shall expire on June 30, 1986.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Wiitala requested a record vote on the Koch amendment.

Voting in the affirmative, 24:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Fenger
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Lamb
Landis
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden

Voting in the negative, 19:

Apking
Beutler
Carsten
Chambers
Cope
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Labedz
Marsh
Peterson, R.
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 1:

Marvel

Excused and not voting, 5:

Clark
Dworak
Newell
Schmit
Warner

The Koch amendment was adopted with 24 ayes, 19 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment to the DeCamp-H. Peterson amendment:

By deleting the word "religious instruction" in line 14, page 1 and inserting the words "the religious beliefs of the church or denomination".

The amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment to the DeCamp-H. Peterson amendment:

By striking the words "religious instruction" in line 17, page 2 and adding the words "the religious beliefs of the church or denomination".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Beutler amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 12 nays, and 11 not voting.

Mr. Wiitala requested a record vote on the DeCamp-H. Peterson amendment.

Voting in the affirmative, 28:

Barrett
Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Hefner
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marvel
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner

Voting in the negative, 16:

Apking
Beutler
Chambers
Cope
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Peterson, R.
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 1:

Higgins

Excused and not voting, 4:

Clark
Dworak
Newell
Schmit

The DeCamp-H. Peterson amendment, as amended, was adopted with 28 ayes, 16 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Hoagland moved to indefinitely postpone LB 652.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 7 nays, and 27 not voting.

The Hoagland motion to indefinitely postpone is pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 749. Placed on General File as amended.
Standing Committee amendments to LB 749:
Req. #2780

1. Strike original sections 1 to 6, 9, and 10.
2. Insert the following new sections:

"Section 1. That section 48-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-125. Except as hereinafter provided, all amounts of compensation payable under the provisions of this act shall be payable periodically in accordance with the methods of payment of wages of the employee at the time of the injury or death; Provided, fifty per cent shall be added for waiting time for all delinquent payments after thirty days' notice has been given of disability. Whenever the employer refuses payment, or when the employer neglects to pay compensation for thirty days after injury, and proceedings are held before the compensation court, a reasonable attorney's fee shall be allowed the employee by the court. In the event the employer files an application for a rehearing before the compensation court ~~en banc~~ from an award of a judge of the compensation court and fails to obtain any reduction in the amount of such award, the compensation court ~~sitting en banc~~ may allow the employee a reasonable attorney's fee to be taxed as costs against the employer for such rehearing, and the Supreme Court shall in like manner allow the employee a reasonable sum as attorney's fees for the proceedings in that court.

Sec. 4. That section 48-156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-156. A majority of the judges of the Nebraska Workmen's Compensation Court shall constitute a quorum to adopt rules and regulations, as provided in sections 48-163 and 48-164, to transact business, except where the statute or a rule adopted by the court permits one member thereof to act, and three judges shall constitute a quorum for the rehearing of any disputed claim for compensation. The act or decision of a majority of the judges constituting such quorum shall in all such cases be deemed the act or decision of the court.

Sec. 5. That section 48-179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-179. Either party at interest who refuses to accept the findings, order, award, or judgment of the court on the original hearing may, within fourteen days after the date thereof, file with the Nebraska Workmen's Compensation Court an application for a rehearing before the court, ~~sitting en banc,~~ plainly stating the errors on which such party relies for reversal or modification. Such party shall at the same time file with the court copies of such application for the other party or parties at interest. The court shall then immediately serve upon such other party or parties by mail or otherwise, as elsewhere herein provided, a copy of such application for rehearing, and within thirty days thereafter shall proceed to hear said cause de novo. A shorthand record or tape recording shall be made of all testimony and evidence submitted in such proceedings. The hearing by the court shall be held in Lancaster County, Nebraska, or in any other county in the state at the discretion of the court. Within fourteen days after such hearing the court shall make its findings, order, award, or judgment, determining the issues in said cause. Upon the joint stipulation of the parties to dismiss, the court may dismiss such an application without a rehearing.

Sec. 6. That original sections 48-125, 48-152, 48-156, and 48-179, Reissue Revised Statutes of Nebraska, 1943, and section 48-153, Revised Statutes Supplement, 1981, are repealed.".

3. Renumber original sections 7 and 8 as sections 2 and 3 respectively.

LEGISLATIVE BILL 637. Placed on General File as amended. Standing Committee amendments to LB 637:

1. On page 3, line 22, strike "Balance" and insert "Reserve".

2. On page 4, in lines 7 and 23, strike "Balance" and insert "Reserve".

3. On page 5, line 14, strike "balance" and insert "reserve".

4. On page 6, line 2, strike "and" and show as stricken.

5. On page 8, line 12, strike the period, show as stricken, and insert "; and"; and after line 12 insert the following new subdivision:

"(5) Commencing January 1, 1983, the Commissioner shall, for each calender year, determine the contribution rate for each employer which has its principal place of business in another state and which becomes subject to sections 48-601 to 48-669 solely for the purpose of completeing a project in Nebraska awarded by bid. Such contribution rate shall be two and seven-tenths per cent of annual payroll or the average industry contribution rate as established by the commissioner for the standard industrial classification of which such employer is included, whichever is greater. As used in this subdivision, standard industrial classification shall mean the classification of employers as established by the United States Department of Commerce on the effective date of this act. The average industry contribution rate for each standard industrial classification shall be determined by dividing total contributions paid by all employers within such standard industrial classification for the preceding calendar year by the total taxable wages paid by all employers within such standard industrial classification during the preceding calendar year.".

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 449 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2784

1. Insert the following new sections:

"Sec. 5. That section 71-1,135.01, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.01. (1) For the purposes of this act, unless the context otherwise requires, pharmaceutical agents shall mean anesthetics, cycloplegics, and mydriatics.

(2) As used in section 71-1,133 to 71-1,136, unless the context otherwise requires, a prescription for contact lenses shall mean a written order based on information gathered after fitting, adaptation, and professional observation stipulating the specifications, directions, and instructions necessary for the fabrication and use of the contact lenses, and shall include the patient's name, the prescription date, and, if a copy of such prescription is given to the patient, a reasonable expiration date for such prescription.

Sec. 6. That section 71-1,135.03, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,135.03. No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation, ~~of~~ the United States Office of Education, or ~~its~~ their successors and the transcript credit for the course or courses is certified to the board by the institution.

Sec. 7. That section 71-1,136, Revised Statutes Supplement, 1980, be amended to read as follows:

71-1,136. No school of optometry shall be approved by the Department of Health as an accredited school unless said school is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation, ~~of~~ the United States Office of Education, or ~~its~~ their successors.".

2. On page 9, line 1, strike "6" and insert "9"; in line 25, strike "section" and insert "sections"; and in line 26, after the first comma insert "71-1,135.01, 71-1,135.03, and 71-1,136,".

3. Renumber sections 5 to 10 as sections 8 to 13 respectively.

4. In the title, line 4, strike "section" and insert "sections" and after the third comma insert "71-1,135.01, 71-1,135.03, and 71-1,136,"; in line 9 after the second semicolon insert "to define a term;";

and in line 11 after the second semicolon insert "to change provisions relating to recognition of certain accrediting organizations;".

VISITORS

Visitors to the Chamber were 40 students and teachers from Ralston School; and 16 students and teachers from Park West Christian School, Lincoln.

RECESS

At 12:00 noon, on a motion by Mr. Wesely, the Legislature recessed until 2:15 p.m.

AFTER RECESS

The Legislature reconvened at 2:16 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Clark who was excused; and Messrs. Burrows, Fowler, Haberman, Kremer, Lamb, Schmit, and Stoney who were excused until they arrive.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 750. Indefinitely postponed.
LEGISLATIVE BILL 752. Indefinitely postponed.
LEGISLATIVE BILL 915. Indefinitely postponed.

(Signed) Maurice Kremer, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 213
March 8, 1982

Dear Senator Carsten:

You have asked our opinion as to the constitutional validity of LB 816, as amended by the Revenue Committee. We detect no constitutional problems with the bill, as amended.

Section 1 of the bill provides that the Legislature shall appropriate an additional $45,000,000 to the School Foundation and Equalization Fund, to be distributed pursuant to §79-1334. In our Opinion No. 189, dated February 8, 1982 to Senator Lamb we said that the present method of distribution of this fund provided for by §79-1334 appeared to be valid, and simply adding more money to be distributed under that section would have no effect on its constitutionality. We reach the same conclusion now.

Section 2 provides for an additional $2,000,000 appropriation for aid to technical community colleges, to be distributed pursuant to §§79-2651 to 79-2653. Neb.Rev.Stat. §79-2651 (Supp. 1980) provides for distribution of state aid to technical community college areas. Fifteen percent of the funds appropriated is to be distributed to each of the six technical community college areas. This accounts for ninety percent of the funds appropriated. Although, in some circumstances equal distributions to all recipients of state aid might be held unreasonable (as, for example, equal distributions to each of the 93 counties), we have no reason to believe that the six technical community college areas are so dissimilar as to invalidate equal distributions to each.

Under §79-2651 the remaining ten percent is to be distributed in the same proportion as the audited reimbursable educational unit total for each area for the preceding year is to the audited reimbursable educational unit total of all technical community college areas. Neb.Rev.Stat. §79-2637(10) (Supp. 1980) defines "reimbursable educational unit." In general, it is based on student population, giving different weights to students in three different categories of educational programs. We see nothing unreasonable in such a method of distribution. Again, adding more money to the pot to be distributed has no effect on the constitutionality of the basic system.

Section 3 of the bill, as amended by the committee, would amend §77-27,136. It would provide for an appropriation of $18,900,000 for aid to incorporated municipalities. Section 4 would amend §77-27,137.01 to provide for a distribution of this fund to the municipalities on the basis of the ratio of the population of each municipality to the population of all municipalities in the state. So far as the question of constitutional law is concerned, we do not believe a successful attack could be made against a formula utilizing population in this manner.

Section 5, as amended, would provide for an appropriation of an additional $16,700,000 to the Department of Public Welfare for the payment of medical assistance. Neb.Rev.Stat. §68-1022 (Supp. 1980) now provides for payment by the counties of a portion of the cost of certain medical assistance, as provided in §§68-1018, et seq. §68-1022 would be repealed by LB 816. The Department of Public Welfare informs us that the projected amount of payments by the counties under §68-1022 for the coming fiscal year is about $16,700,000.

Therefore, what LB 816 would do would be to relieve the counties of this obligation, and appropriate enough state money to pay for it. This is certainly a proper exercise of legislative discretion.

Section 6 states that it is the intention of the Legislature, if the federal government assumes the entire responsibility for the costs of the medical assistance program prior to fiscal year 1984-85, to appropriate at the next regular or special session of the Legislature an additional $18,000,000 for state aid to counties. This section has no legal effect. It is only a statement of intention, and would not be binding on any future Legislature. Furthermore, of course, it does not specify how the $18,000,000 would be distributed. However, although the section is legally meaningless, it is innocuous, and certainly would have no adverse effect on the other provisions of the bill, particularly in light of the savings clause.

We therefore believe that the bill can be successfully defended against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/m3
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Place LB 587 on General File

Mr. Kremer moved to place LB 587 on General File notwithstanding committee action.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 895 in the Journal. No objections. So ordered.

Req. #2785

1. Insert the following new section:

"Sec. 2. That section 79-801, Revised Statutes Supplement, 1981, be amended to read as follows:

79-801. The territory embraced within the corporate limits of each incorporated city or village in the State of Nebraska, together with such additional territory and additions to such city or village as may be added thereto, as declared by ordinances to be boundaries of such city or village, having a population of more than one thousand and less than one hundred thousand inhabitants, including such adjacent territory as now is or hereafter may be attached for school purposes, shall constitute a school district of the third class and be known by the name of The School District of (name of city or village), in the county of (name of county), in the State of Nebraska. As such in that name, the district shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real estate, and control such obligations as are authorized by law. The title to all school buildings or other property, real or personal, owned by any school district within the corporate limits of any city or village, shall, upon the organization of the district, vest immediately in the new district; and the board of education of the new district shall have exclusive control of the same for all purposes herein contemplated; Provided, that where the territory annexed by a change of boundaries of such city has been part of a Class IV, V, or VI school district for more than one year prior thereto, ~~having been annexed by petition,~~ the question as to which district the annexed territory shall be part of shall be negotiated by the school boards of the school districts involved. If the majority of the members of each school board cannot reach agreement on such question within ninety days after the effective date of the city annexation ordinance, the question of which school district the annexed territory shall be a part of shall be placed on the ballot for the next primary or general election. The registered voters of ~~all~~ the Class ~~I~~ VI ~~districts~~ district which ~~form~~ forms the annexed territory shall then vote on the question at such election. When a city or village subject to this section annexes territory in which registered voters reside and which has been part of a Class III school district for more than one year prior thereto, the issue of whether the area annexed shall remain a part of its current school district or whether it shall become part of the school district of the annexing city or village shall be submitted to the registered voters of the area annexed. The issue may be submitted at a primary, general, or special election. The election shall be conducted in the same manner, as nearly as possible, as other elections in such school district are conducted. Notice of the election to be held pursuant to this section shall be published at least once each week for three weeks prior to the election. The governing board of the school district of the annexing city or village shall call for the election and shall pay the costs of such election. A simple majority of votes cast shall resolve the issue.

If, within the boundaries of the annexed territory, there exists a Class VI school, the school building, facilities, and land owned by the district shall remain a part of the Class VI district notwithstanding any action taken by the school boards and notwithstanding the result of such election.

If the Class VI district wishes to dispose of such school building, facilites, or land to any individual or political subdivision, including a Class I school district, the question of such disposition shall be placed on the ballot for the next primary or general election. All registered voters of such Class VI district shall then vote on the question at such election. A simply majority of the votes cast shall resolve the issue.".

2. On page 3, line 7, strike "is" and insert "and section 79-801, Revised Statutes Supplement, 1981, are".

3. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 652. Mr. Hoagland renewed his pending motion to indefinitely postpone found in the Journal on page 1064.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Hoagland requested a record vote on his motion.

Voting in the affirmative, 20:

Apking
Beutler
Chambers
Cope
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Marvel
Newell
Nichol
Peterson, R.
Pirsch
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Hefner
Higgins
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Peterson, H.
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner

Present and not voting, 2:

Dworak
Johnson, L.

Excused and not voting, 2:

Clark
Schmit

The Hoagland motion lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
Amend LB 652 strike sec 2 (1)

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 20:

Apking
Beutler
Carsten
Chambers
Cope
Dworak
Goll
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Goodrich
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marvel
Peterson, H.
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 2:

Hefner
Higgins

Excused and not voting, 2:

Clark
Schmit

The Chambers amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment:

By adding after the word "school" in page 2, line 4 the following language:

"provided, however, that all teachers hired by the lay governing board or organization of parents have at least a grade school diploma"

Mrs. Marsh offered the following amendment to the Beutler amendment:

Strike grade school and insert high school

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 18 ayes, 16 nays, and 15 not voting.

Mrs. Marsh requested a roll call vote on her amendment.

Voting in the affirmative, 21:

Apking
Beutler
Carsten
Chambers
Cope
Dworak
Goodrich
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Rumery
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Haberman
Hefner
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marvel
Peterson, H.
Remmers
Sieck
Stoney
Von Minden
Warner

Present and not voting, 2:

Burrows
Higgins

Excused and not voting, 2:

Clark
Schmit

The Marsh amendment lost with 21 ayes, 24 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler moved for a Call of the House. The motion prevailed with 18 ayes, 7 nays, and 24 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Apking
Beutler
Carsten
Chambers
Cope
Dworak
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Cullan
DeCamp
Duda
Fenger
Goll
Hefner
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marvel
Peterson, H.
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 3:

Burrows
Chronister
Higgins

Excused and not voting, 2:

Clark
Schmit

The Beutler amendment lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment:
Sec. 2, line 19: strike "shall", insert "may"

MR. HEFNER PRESIDING

Mr. Landis offered the following amendment to the Chambers amendment:
add after "may" not deny the waiver if both of the conditions stated in section 1 are met.

Strike in line 19 to 20, "if requested in the notice." Add in line 21 "If such conditions are met the State Board of Education shall.

Mr. Landis asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

SPEAKER MARVEL PRESIDING

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett
Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Fenger
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marvel
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden

Voting in the negative, 23:

Apking
Beutler
Carsten
Chambers
Cope
Dworak
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Vickers
Wagner
Warner
Wesely
Wiitala

Excused and not voting, 1:

Clark

Advanced to E & R for Review with 25 ayes, 23 nays, and 1 excused and not voting.

The Chair declared the Call raised.

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Harold Peterson - Nebraska Highway Bond Commission
Babette Prostok - State Highway Commission
Merle Kingsbury - State Highway Commission

VOTE: For: Senators Beutler, Clark, DeCamp, Hoagland, Koch, Kremer, Lamb, and Wesely. Against: None. Absent: None.

(Signed) Maurice A. Kremer, Chairperson

MESSAGE FROM THE GOVERNOR

March 4, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Education, requiring legislative confirmation:

Cynthia Hardin Milligan, Suite 102, 1201 J Street, Lincoln 68508, term expiring January 3, 1985, succeeding Frank Landis, resigned.

Bill Marshall, III, Five Points Bank, Grand Island 68801, term expiring as provided by law, succeeding Dorothy Creigh, deceased.

These appointments are submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Cynthia Hardin Milligan
Bill Marshall, III
Accountability and Disclosure Commission
State Board of Education

UNANIMOUS CONSENT - Print in Journal

Messrs. Cullan, Kahle, V. Johnson, and Nichol asked unanimous consent to print the following amendment to LB 522 in the Journal. No objections. So ordered.

1. Strike the Committee amendments found on page 1218 of the Journal.
2. Strike original Section 42 and insert a new section 42 to read as follows:

Section 42. That Section 68-1022 Revised Statutes Supplement, 1981, be amended to read as follows:

> Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen percent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the costs of such medical assistance. Commencing July 1, 1981~~, and thereafter~~, the county shall pay fourteen per cent of the cost of such medical assistance. Commencing July 1, 1983, and thereafter ~~If a recipient has no county legal settlement~~, medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.

3. Page 34, strike beginning with "Section" in line 9 through the period in line 12 and insert the following new language: "The provisions of this act shall become effective on July 1, 1983."
4. Strike original section 47 and original section 48.
5. On page 34, after line 20 insert "and 68-1022, Revised State Supplement, 1981".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 903A. By Revenue Committee: Carsten, 2nd District, Chairperson.
This bill introduced on behalf of: LB 903.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 903, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 890A. By Vickers, 38th District; Koch, 12th District.
This bill introduced on behalf of: LB 890.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 890, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 653A. By Koch, 12th District.
This bill introduced on behalf of: LB 653.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 653, Eighty-seventh Legislature, Second Session, 1982.

RESOLUTIONS

LEGISLATIVE RESOLUTION 245.

Introduced by Cope, 36th District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Cullan, 49th District; DeCamp, 40th District; Duda, 14th District; Dworak, 22nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Landis, 46th District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Kearney High School Bearkittens won the Class A Championship at the Girl's State High School Basketball Tournament this year; and

WHEREAS, the members of the Kearney High School girl's basketball team are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Kearney High School girl's basketball team.

2. That the Legislature congratulates and extends best wishes to the 1982 Class A girl's high school basketball champions and their coach Ross Armstrong.

Laid over.

LEGISLATIVE RESOLUTION 246.

Introduced by Cope, 36th District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Cullan, 49th District; DeCamp, 40th District; Duda, 14th District; Dworak, 22nd District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Landis, 46th District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Sieck, 24th District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Grand Island Northwest Vikings won the Class B Championship at the Girl's State High School Basketball Tournament this year; and

WHEREAS, the members of the Grand Island Northwest High School girl's basketball team are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Grand Island Northwest girl's basketball team.

2. That the Legislature congratulates and extends best wishes to the 1982 Class B Girl's high school basketball champions and their coaches Barry Schultz and Steve Vertin.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Sieck and Vickers asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Amendments to White Copy Request 2666)

1. On page 5, line 8, strike “thirty” and insert “~~thirty~~ sixty”.

2. On page 7, line 24, strike “five years” and insert “one year”.

3. On page 11, line 25, strike “thirty” and insert “sixty”.

4. On page 13, line 15, strike “five years” and insert “one year”.

VISITORS

Visitor to the Chamber was former Senator Murphy.

ADJOURNMENT

At 5:01, on a motion by Mr. Rumery, the Legislature adjourned until 9:00 a.m., Wednesday, March 10, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA
Volume II

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

CONVENED JANUARY 6, 1982 ADJOURNED APRIL 16, 1982

LINCOLN, NEBRASKA

Compiled

Under Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTIETH DAY - MARCH 10, 1982

LEGISLATIVE JOURNAL

FORTIETH DAY - MARCH 10, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 10, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. John Minert, Christ United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Burrows, Chambers, Fowler, Newell, Sieck, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 127, 127A, 606, 630, 654, 692, 703, 801, and 829.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 127

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 127:

1. In the Sieck amendment (Req. 2537) in line 7, "14" has been stricken and "15" inserted.

2. On page 15, line 24, "14" has been stricken and "15" inserted.
3. In the Sieck amendment 4, line 18, capitalization has been added to "State Surveyor"

(Signed) Emory P. Burnett
E and R Attorney

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 824. Indefinitely postponed.

(Signed) Maurice Kremer, Chairperson

MOTION - Reconsider LB 421

Mr. DeCamp renewed his pending motion to reconsider the vote on Final Reading of LB 421 found in the Journal on page 941.

The DeCamp motion prevailed with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Escort Governor

Speaker Marvel moved that a committee of five be appointed to escort the Governor to the Chamber to deliver a message to the membership.

The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Chair appointed Mrs. Apking, Messrs. L. Johnson, Fenger, Remmers, and Beyer to serve on said committee.

The Committee returned and escorted Governor Charles Thone to the rostrum where he delivered the following message to the members.

Mr. President, Mr. Speaker, Members of the Legislature and distinguished guests. First, let me thank the Speaker and the other members for providing me the opportunity to address you on a matter of critical importance to the citizens of our State.

I appreciate the tight time constraints of your schedule, and I will be brief and directly to the point.

Nebraska - its citizens and its State Government - are in the midst of a very difficult economic situation. A severely depressed agricultural economy, stifling high interest rates, rising unemployment, layoffs, cutbacks in hours, the closing of small and large businesses, all combined with a general decline in economic activity, have resulted in a sharp reduction in the revenue projections prepared last November.

As I have noted on many occasions, projecting revenues 12 to 18 months in advance is a difficult task under the best of circumstances. I am certain that no one would call our present economic situation the best of circumstances. Bob Bishop, Editor, quotes in the current issue of The Nebraska Farmer a farm credit official as saying, "If you are blessed with the ability to arrange flowers in a whirlwind, the 1980's will be just for you." To be sure, the 1982 economic projections are a bit treacherous, indeed. Suffice it to say that those projections of the Revenue Department were wrong - along with those of almost everyone else on the national level who engaged in this risky endeavor of predicting the future.

Let me quote to you today a paragraph from my State of the State message in January. Two months ago, I said: (QUOTE)

> I advised you at the conclusion of the Special Session that we were not yet out of the economic woods. That advice warrants repeating today. Nebraska has not experienced the worst of the national recession. Nebraska has not been forced to contemplate the extreme measures undertaken by other states. Nevertheless, the recession continues to have an inevitable effect on Nebraska's economy. While national forecasters project an economic upturn sometime in late spring or early summer, I repeat to you now, "We are not yet out of the economic woods." (UNQUOTE)

On February 1, State Budget Administrator Larry Bare presented to your Appropriations Committee my revised revenue and budget proposals. At that time, the estimated total general funds available for appropriation and the recommended budget were set at 758 million dollars. Since that date, several actions have been taken to change that number. Based on a decline in January revenues and higher than projected refunds, Tax Commissioner Don Leuenberger reported to you a potential decline in FY 81-82 net revenues of between 10 and 16 million dollars. The Legislature, through a combination of committee and floor actions has reduced my proposed revenue measures by 15.8 million dollars through changes in the Corporate Tax, Cigarette Tax, Reserve Requirement and funding of Mass Transit assistance. In addition you have established a spending target of 763 million dollars - 5 million in excess of my recommendation.

Today, I must inform you that even further changes are in store. During the past week intensive efforts have been underway to completely review and analyze the revenue situation for the current fiscal year and FY 82-83. My report is as follows.

First, rather than the projection that current year revenues could be down by 10-16 million dollars, that number is now an estimated 34 million dollar decline.

Second, where our original projection for net revenues for FY 82-83 was 718 million dollars, we are now projecting 690 million dollars - a drop of 28 million.

It is difficult for me to have to report these facts to you. Difficult, not because of what it will require of us to balance the State Budget, but difficult because these numbers reflect genuine hardships being experienced by the citizens of our state. Difficult, because they reflect the farmer or rancher who isn't receiving any return - let alone a fair return - on his or her investment of time, capital and work. Difficult, because they reflect jobs lost, construction workers idled, small businesses with no sales to keep the doors open, automobile dealerships and implement dealerships who have gone out of business. The real difficulties are not generally suffered by people in government. The real difficulties are being felt by all those who have been affected by the economic recession.

However, State Government faces a challenge which must be met. We must move ahead, together, to forge a budget that is reasonable and responsible, given the economic conditions of the day.

Nebraskans have a right to know where their Governor stands and what he proposes. Many of you are asking this. That is why I am here today. Here is where I stand, and this is what I propose: I propose more than 25 specific cuts in State spending.

Your Appropriations Committee has prepared a budget recommendation of 761.2 million dollars plus an additional 1.8 million for "A" bills. I believe there should be virtually no "A" bills. I propose to reduce that budget by more than 23 million dollars. Here is my recommendation as to how that can be done.

First, the 5% salary increase for state employees should be deferred to January 1, 1983, with a savings of 8.5 million dollars. With over 43,000 Nebraskans out of work and contracts being negotiated in the private sector with no salary increases, this is no time for a state pay raise. Also, remember that last year's package of wages and benefits was the most generous in the history of the State. In addition, I am announcing that agency directors appointed by me, likewise, will receive no salary increase.

I also ask that all government entities in Nebraska follow this general austere approach. It is appropriate to point out loud and clear that over one half of this entire budget of ours is distributed as aid to local governments and individuals.

Second, the portion of the State Patrol which is out on the highways every day protecting the people and property of our State should be funded from the Highway Trust Fund. This would provide a savings to the General Fund of 8 million dollars.

With the 3% cut which General Fund agencies received during the Specal Session and with other cuts which have been or will be made, it is only fair that the Gas Tax revenues share in the cost of this program. They do so in 26 other states, including almost all our surrounding states.

State Government has traditionally assumed the major share of the increase in health insurance premiums for our employees. While we will do so again this year, the funding for these increased costs will have to be achieved by improved efficiencies and additional economies by each agency. No additional funds should be provided. This step will effect a savings of about 1 million dollars.

In several areas, the recommendations of the Appropriations Committee are above the budget which I submitted. Those amounts will be vetoed if submitted to me in your final budget. They include the University at 1,058,600 dollars, mental retardation assistance at 1,357,000 dollars, the 309 Task Force at 850,000 dollars, the Department of Corrections at 403,400 dollars, mental health at 218,000 dollars, Special Education at 174,600 dollars, Mass Transit assistance at 92,800 dollars, Drivers Education reimbursement at 47,800 dollars and a variety of others, for a total of more than 4,300,000 dollars.

In the area of Capital Construction, I call on you to defer an additional half million dollars of the cost of the Medium/Minimum Correctional Facility in Omaha. It should be deferred until FY 83-84, which is in line with our current estimate of the construction schedule. I propose to veto the $170,000 for renovation of Legislative space in the Capitol building and other amounts included either in excess of my recommendation or additions to the projects proposed in my budget. Together, these cuts total 698,000 dollars.

The amount appropriated for wastewater treatment grants in the Department of Environmental Control can be reduced by $200,000 without a significant risk of slowing down the actual scheduled construction activity.

The $200,000 included for the newly created Family Assistance Program will receive my veto. We can and must wait another year.

The amount appropriated for the Optometry and Veterinary Contracts can be reduced to the level of my original recommendation at a savings of $195,400.

There are additional reductions I propose:

I ask you to cut 86,000 dollars appropriated to the Department of Motor Vehicles to pay for the costs of eliminating the motor vehicle inspection program. Eliminating a program should save money, not cost more. Any costs should be absorbed through the management of existing resources.

I ask you to cut the 40,100 dollars budgeted for the Coordinating Council for the Handicapped, which was not included in my budget.

Cut 31,000 dollars for brochures and the slide show on the Capitol.

Cut 18,600 dollars for a cabinet maker in the Historical Society.

Together, those reductions amount to 23.4 million dollars.

Now, with the program I have outlined today, we will still not be in clover. We will be facing a potentially serious cash flow situation. For that reason, and to help with the overall revenue picture, I am today taking the following steps:

I am calling on the Legislature to repeal the portion of the bill passed last year over my veto which directs the state to pay 25 percent of state aid to schools in October. In my veto message I warned that the bill could have serious implications for the State cash flow, but the Legislature failed to heed that warning. Now the day for reconsideration has come and the action is required.

State aid to schools was not cut in the Special Session. State aid to schools is not proposed to be cut in this session. A 40 million dollar annual increase in this program was made just two years ago. State aid to schools should be distributed as it was in the past.

In addition, I am announcing the following actions:

1. An intensive effort by the Department of Revenue with my full support to insure full compliance with our existing tax laws. I have discussed this matter with Attorney General Paul Douglas, and should additional attorneys be needed, they will be made available by the Attorney General's Office to the Revenue Department on a temporary basis. Those who owe taxes should pay those taxes.

2. A severe cutback on out-of-state travel. We have reduced state automobile travel by an average of 25 percent since 1978, and a much harsher standard will be set for out-of-state travel.

3. A freeze on all merit raises.

And I issue a call to all agencies and employees of State Government to demonstrate to the people of Nebraska that we can do better, we can be more efficient, we can control costs and we can and will be their partners in sharing the necessary economies which are required in this difficult period.

The final authority on the setting of the budget, of course, belongs with the Legislature. Nevertheless, I am here to advise you that 23 million dollars must be cut. You now have my detailed proposals on how it can be done. The actual components of the cut will, in the final analysis, be determined by you. However, you share with me the responsibility for maintaining the fiscal integrity of our State in this difficult period.

Even with a reduction in the budget of that amount, revenues will fall short by 56 million dollars. If you will exercise your responsibility with respect to the cuts I have called for, and approve the recommendations of my revenue package, I am confident that the Board of Equalization will discharge its duty by increasing the individual income tax rate to 17% of the reduced Federal base, retroactive to January 1, 1982. While as Chairman I have only one vote, you - and all Nebraskans - now know where I stand.

Regarding revenues, my original proposal to you called for a 4¢ increase in the cigarette tax. The Revenue Committee has recommended 2¢. Can we consider cutting the budget by more than 23 million dollars, raising the individual income tax by 2% and fail to raise the full 4¢ requested? I say "NO!"

One final item regarding my revenue package. I have asked the Tax Commissioner to begin work immediately with your Revenue Committee to revise the proposal for the corporate tax increase. The increase in the personal income tax will mean an automatic increase in corporate taxes of about 5.4 million dollars. I want the corporate rate changed to bring in another 14 million dollars over 18 months. This will approximately equal my January proposal for 20 million dollars in a year and a half from corporations.

For some months a major debate has taken place in our state on the raising of the income tax rate. Because we are tied to the federal income tax, which is being reduced, increasing the rate does not necessarily increase the tax. The public has a much better understanding of the issue today than it did last November. I have tried to further that understanding. Many of you have helped on this.

As you will recall, when I became Governor, the personal income tax rate was 18 percent of the federal level. We reduced that to 15 percent. Because of our tax cuts, the people of Nebraska in 1980 and 1981 kept 100 million dollars in their pockets that otherwise would have been taken by State government.

The Federal government cut income taxes by 5 percent in October, 1981, and another 10 percent cut is scheduled for July 1. As you know, it was my desire to pass through these cuts and give another 15 percent cut in State income taxes on top of the 16.6 percent cut that Nebraskans have enjoyed for two years.

Declining revenue shows that all of those cuts just cannot be put in place.

If you adopt the proposal I am outlining today, the State personal income tax paid in 1982 will be virtually the same as was paid in 1981.

To be more specific, let's look at the state taxes paid by a family of four with an adjusted gross income of 20,000 dollars.

In 1979, the year I became Governor, that family on that income, after food sales tax credit, owed 327 dollars in State income taxes. In both 1980 and 1981, the amount paid was about 228 dollars. In 1982, the amount for this family, with the budget I now suggest, would be less than 230 dollars. In other words, this family would pay 97 dollars less in State income taxes in 1982 than they paid in 1979.

Last year, this Legislature responded with courage and commitment to my call for belt tightening in the special session. Had you not, the situation we face today would be much more critical. Now, you are being asked to take in another notch.

I have every confidence that as men and women dedicated to true representation of your constituents, you will respond appropriately to the serious problems confronting us. They are not problems of your making, or of mine. They are the result of economic circumstances far beyond the control of any one state.

Together we bear the responsibility for meeting this new challenge. In this message I have offered my proposals and indicated the course I believe we should take. Those recommendations are based on some difficult and often distasteful decisions. But they have to be made.

The decision now lies in your hands. If any member of this Legislature or any Committee believes there are better ways to achieve the goals I have outlined, I assure you I will be most receptive to any suggestion.

The people of Nebraska are looking to their Governor and their Legislature to take the difficult but necessary actions that the situation requires. I am confident we will meet the current challenges head-on. And I'm also confident that there are good days ahead for Nebraska and for its solid citizens.

The Committee escorted the Governor from the Chamber.

UNANIMOUS CONSENT - Member Excused

Mr. Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION - Suspend Rules

Mr. Warner moved to suspend the provision of Rule 8, Section 5, that states "the Appropriation Committee shall place appropriation bills on General File no later than. . . . the 40th Legislative Day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriation bills as introduced by the Governor.".

The suspension of this provision shall be effective until Friday, March 19, 1982.

The Warner motion prevailed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

MOTION - Place LB 679 on General File

Mr. Wesely moved to suspend the rules, Rule 3, Section 16, and place LB 679 on General File, notwithstanding the action of the Judiciary Committee.

Messrs. Carsten, DeCamp, and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely requested a record vote on his motion.

Voting in the affirmative, 11:

Clark
Fowler
Goll
Haberman
Higgins
Kilgarin
Labedz
Newell
Nichol
Stoney
Wesely

Voting in the negative, 21:

Apking
Barrett
Beyer
Chambers
Chronister
Cope
Cullan
Duda
Fenger
Hoagland
Johnson, L.
Johnson, V.
Kahle
Landis
Peterson, H.
Peterson, R.
Remmers
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 12:

Burrows
Goodrich
Hefner
Koch
Kremer
Lamb
Marsh
Marvel
Pirsch
Rumery
Schmit
Wiitala

Excused and not voting, 5:

Beutler
Carsten
DeCamp
Dworak
Warner

The Wesely motion lost with 11 ayes, 21 nays, 12 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

President Luedtke announced Senator Nichol's birthday is Friday, March 12.

GENERAL FILE

LEGISLATIVE BILL 522. Title read. Considered.

Messrs. V. Johnson, Cullan, Kahle, and Nichol renewed their pending amendment found in the Journal on page 1078.

MR. CLARK PRESIDING

The V. Johnson et al amendment was adopted with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Mr. Hefner renewed his pending amendment found in the Journal on page 922.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. V. Johnson renewed his pending amendment found in the Journal on page 670.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 8 nays, and 30 not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Burrows
Chambers
Cullan
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Remmers
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Beyer
Chronister
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Schmit
Von Minden
Wagner

Present and not voting, 5:

Clark
Koch
Marvel
Pirsch
Rumery

Excused and not voting, 4:

Beutler
Carsten
Dworak
Warner

The V. Johnson amendment lost with 18 ayes, 22 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

ANNOUNCEMENT

Mr. Fowler announced the Nebraska Retirement Systems Committee will hold an Executive Session on Tuesday, March 16, 1982, at 9:00 a.m., under the north balcony of the Legislative Chambers. LB 936 will be discussed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 378A. By Cullan, 49th District.
This bill introduced on behalf of: LB 378.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Eighty-seventh Legislature, First Session, 1981.

GENERAL FILE

LEGISLATIVE BILL 568. Title read. Considered.

Standing Committee amendments, Req. #2666, printed separate from the Journal and referred to on page 727 were considered.

Mr. Nichol renewed his pending amendment, Req. #2692, to the Standing Committee amendments found in the Journal on page 993.

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Nichol offered the following amendment to the Standing Committee amendments:

(Amendments to the Committee Amendments)

1. On page 2, line 23, strike “one thousand” and insert “five hundred”.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nichol amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman renewed his pending amendment, Req. #2774, to the Standing Committee amendments printed separate from the Journal and referred to on page 1053.

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and Schmit asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

(Second Final Reading)

1. Strike section 7 and insert the following new section:

“Sec. 7. Any insurer or employee of an insurer making a report as required by section 2 or 3 of this act shall be immune from criminal penalty of any kind or from civil liability or other penalty for slander, libel, defamation, breach of the physician-patient privilege, or violation of the laws of the State of Nebraska relating to the business of insurance, that may be incurred or imposed on account of or in connection with the making of such report, except that such immunity shall not apply to the making of malicious or knowingly false statements or to the initiating of a report with reckless disregard for the truth of such report.".

Mr. Carsten asked unanimous consent to print the following amendment to LB 819 in the Journal. No objections. So ordered.

1. On page 5, line 10, after the word "rentals" insert "to a television or radio station or".

ANNOUNCEMENT

Mr. Carsten announced the Committee on Revenue will meet in Executive Session in Room 1520 of the State Capitol at 3:00 p.m. today.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 629A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 629.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, Eighty-seventh Legislature, Second Session, 1982.

VISITORS

Visitors to the Chamber were Guy Bush from Sidney; Jan Carpenter, N.C.S.L. staff assistant from Denver, CO; 10 students and teacher from Syracuse; James Brisson from Scottsbluff; 32 eighth grade students and teacher from Cathedral of the Risen Christ School, Lincoln; Pat Kelly from Sarpy County; and the Jolly Neighbors Extension Group from Ord.

RECESS

At 12:02 p.m., on a motion by Mr. Rumery, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Marvel presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dworak who was excused; and Mrs. Pirsch, Messrs. Beutler, DeCamp, Fowler, Hoagland, Koch, Kremer, Newell, H. Peterson, R. Peterson, Schmit, Warner, and Wesely who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 970. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1620.01, Revised Statutes Supplement, 1981, relating to insurance for state employees; to increase the state contribution for health insurance; to provide an option for some retirees; to provide an operative date; to repeal the original section; and to declare an emergency.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 568. Considered.

Mr. Haberman renewed his pending amendment, Req. #2774, to the Standing Committee amendments referred to on page 1053 and considered on page 1093.

Mr. Haberman moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Apking	Fenger	Higgins	Lamb	Warner
Beyer	Goll	Hoagland	Landis	
Carsten	Goodrich	Johnson, L.	Pirsch	
Cope	Haberman	Kremer	Rumery	
Duda	Hefner	Labedz	Von Minden	

Voting in the negative, 24:

Barrett
Burrows
Chambers
Chronister
Clark
Cullan
DeCamp
Fowler
Johnson, V.
Kahle
Kilgarin
Koch
Marsh
Marvel
Newell
Nichol
Remmers
Schmit
Sieck
Stoney
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 1:

Peterson, R.

Excused and not voting, 3:

Beutler
Dworak
Peterson, H.

The Haberman amendment lost with 21 ayes, 24 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Sieck and Vickers renewed their pending amendment to the Standing Committee amendments found in the Journal on page 1081.

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Sieck-Vickers amendment was adopted with 17 ayes, 7 nays, 21 present and not voting, and 4 excused and not voting.

Mr. Koch and Miss Kilgarin offered the following amendment to the Standing Committee amendments:

By striking section 2, and renumbering the remaining sections accordingly.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Miss Kilgarin asked unanimous consent to withdraw the Koch-Kilgarin pending amendment. No objections. So ordered.

Miss Kilgarin, Messrs. Koch, and Newell offered the following amendment to the Standing Committee amendments:

On pp #3 line 20 after "diversion" insert "more than once".

The amendment was adopted with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Higgins offered the following amendment:
On Page 12, line 21, add the following new section:
(9) Notwithstanding any provision of Sec. 8, whenever a prosecutor has reasonable cause to charge a person with a violation of section 28-319 or section 28-320, he or she shall prosecute the person for that crime and shall not plea bargain on that charge.

Mr. Nichol requested a ruling of the Chair on whether the Higgins amendment is germane to the bill.

The Chair ruled the amendment is not germane.

Miss Kilgarin requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marvel
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Apking
Cullan
Haberman
Stoney

Present and not voting, 8:

Beyer
Burrows
Chambers
Fowler
Koch
Marsh
Newell
Schmit

Excused and not voting, 2:

Beutler
Dworak

Advanced to E & R for Review with 35 ayes, 4 nays, 8 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 647 in the Journal. No objections. So ordered.

1. Page 4, reinstate the language in lines 16 through 24.
2. Page 4, line 27, reinstate "may" and strike "shall" and on page 5, line 1, strike "not".
3. Page 5, strike the new language on lines 7 through 11.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

Amend LB 626 by adding new section 1.
8-157 - First Paragraph. (1) Except as provided in subsection (II) of this section, no.
(II) With the approval of the Director and that of the majority of the members of a cooperative credit association, any bank chartered by the State of Nebraska or national banking association whose main chartered office is located in the State of Nebraska may place a full service office in any village located in the same county as said bank and which a cooperative credit association is in operation; provided, the members of said cooperative credit association agree to discontinue operation of the cooperative credit association and provided further; that the bank assumes the assets and liabilities of the cooperative credit association through purchase, merger, consolidation, or otherwise. This office may be maintained as a full service branch office and may offer all the services permitted to be offered by the bank at its main office. Such branch office may be relocated within the same village but may not be moved to another city or village.

Mr. Schmit asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

1. On page 8, line 21 before "or" insert "(3) a bank holding company as defined or referred to in 12 U.S.C. 1842(d), as amended, which is not a subsidiary of a bank or a bank holding company and which is incorporated and domiciled in a state contiguous to Nebraska, and which state authorizes the acquisition or control of banks in that state by such bank holding companies incorporated and domiciled in Nebraska," and in line 21 strike "(3)" and insert "(4)".

2. On page 9 strike beginning with "Any" in line 21 through line 22 and insert "A bank holding

company, as described in subdivision (1) or (2) of this section, which has its principal place of business in Nebraska and which is not a subsidiary of a bank or a bank holding company".

3. On page 10, line 3, after the underscored period insert "A bank holding company as described in subdivision (3) of this section shall be allowed to own or control not more than two banks located in the State of Nebraska commencing on January 1, 1984, and thereafter the maximum number of banks that such a bank holding company may own or control shall be increased by two each year for the years beginning January 1, 1985, and January 1, 1986, and shall be increased by one each year beginning January 1, 1987, up to a maximum number of nine such banks on December 31, 1989, or thereafter."; in line 3 strike "An existing out-of-state" and insert "A"; in line 4 after "in" insert "subdivision (4) of"; and strike beginning with "be" in line 4 through "increased" in line 9 and insert "not be allowed to own or control any additional banks during the period commencing on the effective date of this act through December 31, 1983, but such a bank holding company may increase the banks it owns or controls".

Messrs. Wesely and Kremer asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

Add a new section as follows:
1. That section 75-101 be amended to read as follows:

75-101. Public Service Commission; members; qualifications. The members of the Public Service Commission shall (1) be resident citizens of this state and a resident of the district which he or she represents, (2) be qualified voters under the Constitution and laws thereof, (3) be, if members of or practitioners in any profession, in good standing according to the established standards of such profession, and (4) be not less than ~~thirty~~ twenty-one years of age ~~nor more than sixty eight years of age at the time of taking office~~. No person shall be eligible to the office of public service commissioner who is directly or indirectly interested in any common carrier in the state or out of it or who is in any way or manner pecuniarily interested in any common carrier subject to the provisions of this chapter. If any such commissioner shall become so interested, after his election or appointment, his office shall become vacant, and if any commissioner shall become so interested, otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest, and, failing to do so, his office shall become vacant. No commissioner shall hold any other office under the government of the United States or of this state, or of any other state government, and he shall not, while such commissioner, engage in any other occupation.

Mr. Koch asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

Req. #2772

1. Strike the original sections and all amendments to the sections and insert the following new sections:

"Section 1. That section 79-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-403. (1) Any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefor may file a petition with ~~a board consisting of the county superintendent, county clerk, and county treasurer~~ the State Board of Education, asking to have any tract of land described therein set off from a Class I, ~~or Class~~ II, III, or VI district in which it is situated and attached to some other district in the petitioner's county of residence or a county adjoining thereto for the purpose of providing a better education for children of school age residing in the land to be transferred. In order for the petitioner to prove the petition is in the best educational interests of such children, he, she, or they shall show the differences in the accreditation, teaching staff, management, total cirricula, and efficiency between the schools involved. The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That (i) the land therein described is either owned by the petitioner or petitioners or that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefor and (ii) such tract of land includes all contiguous land owned or controlled by each petitioner; (b) that ~~the land is located in a district that adjoins~~ the district to which ~~it~~ the land is to be attached is located in the petitioner's county of residence or a county adjoining thereto; (c) that the land proposed to be attached has children of school age who have resided thereon with their parents or guardians for not less than forty days prior to filing the petition; and (d) that such petition is approved by a majority of members of the school board or board of education of the district to which such land is sought to be attached. ~~either that they are each more than two miles from the schoolhouse in their own district, and at least one half mile nearer to the schoolhouse or a school bus route of the adjoining district, which distance shall be measured by the shortest route possible upon section lines or traveled roads open to the public or that the route to the schoolhouse in the adjoining district is more practicable and, for at least half its distance, over hard-surfaced roads and the distance to the schoolhouse in the adjoining district does not exceed the distance to the schoolhouse in their own district by more than six miles or that they have personally paid tuition for one or more of their children to attend school in the other district over a period of two or more consecutive years, or that they reside in a Class I or Class II district and own, or lease under section 72-232, have possession or constructive possession under a contract of sale as vendee or have made entry on government land but have not yet received a patent therefor, not less than eighty acres of land in an adjoining Class II, III, IV, or V district to which they wish to transfer additional land. For purposes of this subsection, children of school age shall mean children who are attending a public school in the school district from which the land is to be set off or children who are not attending a public school in such district but who will attend a public school in the district to which the land will be attached, except children whose parents or guardians have personally paid tuition for such children to attend school in the other district for two or more consecutive years. Failure of such children to attend a public school in the district to which the land is attached shall invalidate the transfer from the date of approval. The petition shall be verified by the oath of the petitioner or petitioners.~~

The ~~board~~ State Board of Education may, after a public hearing on the petition, thereupon change the boundaries of the districts so as to set off the land described in the petition and attach it to such adjoining district as is called for in the petition whenever ~~they deem it just and proper and for~~ the board deems it in the best educational interest of the children of school age residing on such land ~~petitioner or petitioners so~~ to do so. Notice of the filing of the petition and hearing thereon before the ~~board~~ State Board of Education shall be given at least ten days prior to the date of such hearing~~,~~ by one publication in the legal newspaper of general circulation in each district~~, and by posting a~~

~~notice on the outer door of the schoolhouse in each district affected thereby, which~~ and such notice shall designate the territory to be transferred. When the tract of land attached is not contiguous to the district receiving such land, the transportation allowance provisions of section 79-490 shall not extend beyond the boundry line of the receiving district that existed prior to the attachment of such land. ~~Petitions requesting transfers of property across county lines shall be addressed jointly to the county superintendents of the counties concerned, and the petitions shall be acted upon by the county superintendents, county clerks, and county treasurers of the counties involved as one board, with the county superintendent of the county from which the real estate is sought to be transferred acting as chairman of the board.~~

Appeals may be taken from the action of the State Board of Education ~~such board, or when such board fails to agree,~~ to the district court of the county in which the real estate is located within twenty days after entry of such action on the records of the board. Transfer of property may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student residing on the land to be transferred attends high school. ~~by the county clerk of the county in which the real estate is located or within twenty days after March 15 if the board fails to act upon such petition as provided in section 79-1103.05, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county.~~

(2) Any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefor may file a petition with a board consisting of the county superintendent, county clerk, and county treasurer, asking to have any tract or tracts of land described therein set off from a nonaccredited Class I, II, III, VI district in which it is situated and attached to an accredited district in the county of the residence of the petitioner or an adjoining county thereto, and when such petition is for transfer of land from a Class I district which is part of a Class VI district, the petitioner shall be allowed to have such land attached to an adjoining accredited Class II, III, IV, or V district. The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That (i) the land therein described is

either owned by the petitioner or petitioners or that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefor and (ii) such tract of land includes all such contiguous land owned or controlled by each petitioner; (b) that the land proposed to be attached has children of school age who have resided thereon with their parents or guardians for not less than forty days prior to filing the petition; (c) that the land described therein is located in a Class I, II, III, or VI school district as provided in this subsection, ~~(2),~~ and is to be attached to an accredited school district in the county of the residence of the petitioner or an adjoining county thereto; and (d) that such petition is approved by a majority of the members of the school board or board of education of the district to which such land is sought to be attached. If the land sought to be transferred pursuant to this subsection is to be set off from a Class I, II, III, or VI district and attached to an accredited Class VI district, the land shall not be set off and attached to such Class VI district unless the petition states that the land ~~is to~~ shall be attached to a Class I district located within the boundaries of such Class VI district, and a majority of the members of the school board or board of education of both such Class VI and Class I districts approve such petition. ~~All procedures as provided in subsection (1) of this section including provisions for the transfer of property across county lines shall apply to this subsection except that the board shall in this instance change the boundaries where it is found that all provisions as herein set forth have been met.~~ For purposes of this ~~subsection~~ section, children of school age shall mean children who are attending public school or children who are not attending a public school in such district but who will attend a public school in the district to which the land will be attached. Failure of such children to attend a public school in the district to which the land is attached shall invalidate the transfer from the date of approval. The petition shall be verified by the oath of each petitioner. The board shall, after a public hearing on the petition and a determination that all requirements of this subsection have been complied with, change the boundaries of the districts so as to set off the land described in the petition and attach it to such adjoining district pursuant to the petition. Notice of the filing of the petition and of the hearing for such petition before the board shall be given at least ten days prior to the date of such hearing, by one publication in a legal newspaper of general circulation in each district and by posting a notice on the outer door of the schoolhouse in each district affected thereby, and such notice shall designate the territory to be transferred. Petitions requesting transfers of property across county lines shall be addressed jointly to the county superintendents of the counties concerned, and the petitions shall be acted upon by the county superintendents, county clerks, and county treasurers of the counties involved as one board, with the county superintendent of the county from which the real estate is sought to be transferred acting as chairperson of the board. When the tract of land attached is not contiguous to the district receiving such land, the transportation allowance provisions of section 79-490 shall not extend beyond the boundary line of the receiving district that existed prior to the attachment of such tract of land.

Appeals may be taken from the action of such board, or when such board fails to agree, to the district county of the county in which the real estate is located within twenty days after entry of such action on the records of the board by the county clerk of the county in which the real estate is located or within twenty days after March 15 if the board fails to act upon such petition as provided in section 79-1103.05, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county.

Sec. 2. That section 79-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1108. No transfer of property from an accredited school district to a nonaccredited school district of any class shall be permitted, except that as provided in section 79-403 transfers may be made from an accredited district to an accredited Class VI district which is served by a nonaccredited Class I district if any student residing in the land to be transferred pursuant to the petition attends high school. ~~Any action to set aside the transfer of property from an accredited school district to a nonaccredited school district shall be commenced within four years from the date of the transfer, otherwise the transfer shall be valid as of the original date of the transfer.~~ This provision shall apply to all transfers made prior as well as subsequent to ~~February 20, 1974~~ the effective date of this act.

Sec. 3. That original sections 79-403 and 79-1108, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 7, Governor's Appointments, which was approved by the Board on March 10, 1982.

Education

Cynthia H. Milligan, State Board of Education
Bill Marshall, III, State Board of Education

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 247.

Introduced by R. Peterson, 21st District; DeCamp, 40th District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Elkhorn Valley High School Falcons won the Class C Championship at the Girl's State High School Basketball Tournament this year; and

WHEREAS, the members of the Elkhorn Valley High School girl's basketball team are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Elkhorn Valley High School girl's basketball team.
2. That the Legislature congratulates and extends best wishes to the 1982 Class C girl's high school basketball champions and their coach Keith Steiner.

Laid over.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 587. Indefinitely postponed.

(Signed) Jerry D. Koch, Chairperson

MESSAGE FROM THE GOVERNOR

March 8, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the State Highway Commission, requiring legislative confirmation:

Roy Smith, 5051 L Street, Omaha 68117, term expiring September 14, 1983, succeeding C. Mickey Skinner, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Roy Smith
Accountability and Disclosure Commission
Highway Commission

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

1. On page 4, line 8, after the period insert "If the prospective petition is in proper form, the city clerk shall authorize the circulation of the petition and such authorization shall be given within ten working days from the date the prospective petition was filed."; in line 10 after "shall" insert ", within ten working days from the date the prospective petition was filed,"; and strike beginning with "After" in line

11 through the period in line 13 and insert "When the requested changes have been made and the revised prospective petition has been submitted to the city clerk in proper form, the city clerk shall authorize the circulation of the petition and such authorization shall be given within five working days from the receipt of the properly revised petition.".

Messrs. Landis and Remmers asked unanimous consent to print the following amendment to LB 875 in the Journal. No objections. So ordered.

1. On page 2, line 23, after the period insert "For purposes of this section, electrical distribution facilities shall be located within the retail service area of such city or village as approved by and on file with the Nebraska Power Review Board, pursuant to Chapter 70, article 10.".

2. In the Standing Committee amendments, Req 2657, page 1, line 19, after the first period insert "For purposes of this section, electrical distribution facility shall be located within the retail service area of such city as approved by and on file with the Nebraska Power Review Board, pursuant to Chapter 70, article 10.".

CEREMONIES

The Legislature was at ease while the former State Legislators were introduced.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of Legislative Bill 970.

LB	**Committee**
970	Appropriations

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARING
Appropriations

LB 970 Wednesday, March 17, 1982 12:00 noon

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 720 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 1. (1) A motion for a new trial shall not be a prerequisite to obtaining appellate review of any issue upon which the ruling of the trial court appears in the record.

(2) When an action has been tried before a jury a motion for a new trial shall not be a prerequisite to obtaining appellate review of the sufficiency of the evidence, but a motion for a new trial shall be a prerequisite to obtaining appellate review of the issue of inadequate or excessive damages.

Sec. 2. That section 25-1912, Revised Statutes Supplement, 1981, be amended to read as follows:

25-1912. The proceedings to obtain a reversal, vacation, or modification of judgments and decrees rendered or final orders made by the district court, including judgments and sentences upon convictions for felonies and misdemeanors under the criminal code, shall be by filing in the office of the clerk of the district court in which such judgment, decree, or final order was rendered, within one month after the rendition of such judgment or decree, or the making of such final order, or within one month from the overruling of a motion for a new trial in said cause, a notice of intention to prosecute such appeal signed by the appellant or appellants or his, her, or their attorney of record, and, except as otherwise provided in section 29-2306, by depositing with the clerk of the district court the docket fee required by law in appeals to the Supreme Court. ~~A motion for a new trial shall not be necessary for consideration on appeal of errors occurring at trial.~~ In addition thereto, the notice of appeal in a criminal case shall state the nature of the offense and the sentence imposed. If an order of the Supreme Court suspending the execution of the sentence pending review in that court is desired, request for such suspension shall be included in the notice of appeal. Except as otherwise provided in section 29-2306, an appeal shall be deemed perfected, and the Supreme Court shall have jurisdiction of the cause when such notice of appeal shall have been filed, and such docket fee deposited in the office of the clerk of the district court, and after being so perfected no appeal shall be dismissed without notice, and no step other than the filing of such notice of appeal and the depositing of such docket fee shall be deemed jurisdictional. The clerk of the district court shall forthwith forward such docket fee, and a certified copy of such notice of appeal, to the Clerk of the Supreme Court, whereupon the Clerk of the Supreme Court shall forthwith docket such appeal. Within one month from the date of filing of notice of appeal, the clerk of the district court shall prepare and file with the Clerk of the Supreme Court a transcript certified as a true copy of the proceedings contained therein. The transcript shall contain the judgment, decree, or final order sought to be reversed, vacated, or modified, and all other filings made with such clerk, unless otherwise ordered by the appellant or appellants by the filing of a praecipe at the time of filing of notice of appeal, designating what portions of the record should be included in the transcript. Neither the form nor substance of such transcript shall affect the jurisdiction of the Supreme Court. Nothing herein contained shall prevent any person from giving supersedeas bond in the district court in the time and manner provided in section 25-1916, nor affect the right of a defendant in a criminal case to be admitted to bail pending the review of such case in the Supreme Court.".

2. On page 3, line 3, strike "is" and insert "and section 25-1912, Revised Statutes Supplement, 1981, are".

3. Renumber original sections 1 and 2 as sections 3 and 4 respectively.

Mr. Newell asked unanimous consent to print the following amendment to LB 686 in the Journal. No objections. So ordered.

Req. #2745

1. Insert the following new section:

"Sec. 10. That section 53-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-177. ~~No~~ (1) Except as provided in subsection (2) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or children; Provided, that this prohibition shall not apply ~~(1)~~ (a) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic liquors at retail has been granted by the Nebraska Liquor Control Commission for two years continuously prior to making of application for license, and ~~(2)~~ (b) to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.

(2) If any church, as described in subsection (1) of this section, submits a written waiver of the restriction provided in subsection (1) of this section to the commission, a license defined under subdivision (5) B of section 53-124 may be issued for the sale of beer at retail within one hundred fifty feet of such church.".

2. On page 24, line 19, after the second comma insert "53-177,".

3. Renumber original sections 10 and 11 as sections 11 and 12 respectively.

Mr. Vickers asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

Amend the Koch amendment to LB 208, printed on page 959 of the Legislative Journal, as follows:

1. In section 1. of the Koch amendment, line 11 of the underscored language, strike "class" and insert "state" and strike "leadership, management, curricula and/or efficiency".

VISITORS

Visitors to the Chamber were Mrs. Irene Hetmonek and Senator Chronister's daughter, Chris Wisnieski from Schuyler; Mike and Brad Gustafson; and 42 second grade students and teacher from Brownell School, Lincoln.

ADJOURNMENT

Mr. Clark requested a machine vote on the adjournment.

The motion to adjourn prevailed with 18 ayes, 4 nays, and 27 not voting.

At 4:11 p.m., on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Thursday, March 11, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 11, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 11, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Pastor Leland Oswald, First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Carsten, V. Johnson, Lamb, Schmit, Warner, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File as amended.
E & R amendments to LB 817:

1. On page 4, renumber subdivisions (5) and (6) as (4) and (5) respectively.
2. On page 9, line 9, insert "from the fund" after "reimbursement".
3. On page 12, line 8, insert "that" after "extent".
4. On page 14, line 9, strike "of" and insert "on"; and in line 15, strike the first comma.
5. On page 16, subdivisions (12) to (14) have been renumbered as (11) to (13) respectively.
6. On page 28, line 2, strike the first comma.

LEGISLATIVE BILL 852. Placed on Select File as amended.
E & R amendments to LB 852:

1. On page 5, line 27, strike the first comma.
2. On page 9, line 17, strike ", shall" and insert "shall,".
3. On page 10, line 6, strike "establishing" and insert "the establishment of".
4. On page 15, line 19, strike the comma.
5. On page 16, line 16, insert "or" after the second comma.
6. On page 21, line 17, strike "loan" and insert "lend".
7. On page 22, line 25, strike "same".
8. On page 26, line 17, strike the comma.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 687. Placed on General File as amended.
Standing Committee amendments to LB 687:
Req. #2794

1. Insert the following new sections:

"Section 1. That section 49-1490, Revised Statutes Supplement, 1981, be amended to read as follows:

49-1490. (1) A principal, lobbyist, or anyone acting on behalf of either shall not give a gift to any official or member of any official's staff in the executive or legislative branch of state government, or member of an official's immediate family. Any person who knowingly gives a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(2) An official or any other person on his or her behalf in the legislative or executive branch of state government or a member of such official's staff or immediate family shall not solicit or accept a gift in violation of subsection (1) of this section. Any person who knowingly solicits or accepts a gift in violation of this subsection shall be guilty of a Class III misdemeanor.

(3) As used in sections 49-1480 to 49-1492, gift shall mean a payment, subscription, advance, forbearance, honorarium, ~~campaign contribution from a lobbyist,~~ or the rendering or deposit of money, services, or anything of value, the value of which exceeds twenty-five dollars in any one-month period, unless consideration of equal or greater value is received therefor. Gift shall not

include:

(a) A campaign contribution otherwise reported as required by law; ~~, except as otherwise provided in this subsection;~~

(b) A commercially reasonable loan made in the ordinary course of business;

(c) A gift received from a member of the person's immediate family, a relative, or from the spouse of any such relative;

(d) A breakfast, luncheon, dinner, or other refreshments consisting of food and beverage provided for immediate consumption;

(e) Admissions to state regulated industries, facilities, or events; or

(f) The occasional provision of transportation within the State of Nebraska to an officeholder.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.''.

2. On page 3, line 25, strike ''is'' and insert ''and section 49-1490, Revised Statutes Supplement, 1981, are''.

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

LEGISLATIVE BILL 841. Placed on General File as amended.
Standing Committee amendment to LB 841:

1. On page 2, line 13, strike ''Not'' and insert ''~~Not~~ Except when the gross proceeds of a lottery, raffle, or gift enterprise do not exceed two thousand dollars, not''; in line 14 strike the new matter and reinstate the stricken matter; and strike beginning with the underscored comma in line 15 through ''donated'' in line 17.

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Clark asked unanimous consent to print the following amendment to LB 571 in the Journal. No objections. So ordered.

Strike the Burrows and Clark amendments which were adopted on March 4, 1982. In the original bill Strike from Line 12, beginning with Such through Line 21.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 10, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Wylie, William M. - Elgin, (withdrawn 3-8-82), Nebraska School Improvement Association

ANNOUNCEMENT

President Luedtke announced Senator Kilgarin's birthday is March 12, 1982.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 231, LR 233, LR 234, LR 237, LR 238, and LR 239.

MR. CLARK PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 215. With Emergency.

A BILL FOR AN ACT to amend section 42-364, Reissue Revised Statutes of Nebraska, 1943, and section 43-247, Revised Statutes Supplement, 1981, relating to divorce; to change procedures for termination of parental rights as prescribed; to change provisions relating to juvenile court as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 410. With Emergency.

A BILL FOR AN ACT to amend sections 48-633 and 48-646, Reissue Revised Statutes of Nebraska, 1943, relating to employment security; to delineate authority; to allow claimants to be represented as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit

Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 417. With Emergency.

A BILL FOR AN ACT to amend section 39-6,177, Revised Statutes Supplement, 1981, relating to rules of the road; to change certain provisions relating to the movement of certain vehicles and equipment as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 43:

Apking
Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 2:

Dworak
Wesely

Present and not voting, 3:

Beutler
Chambers
Schmit

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 547 to Select File

Mr. Chambers moved to return LB 547 to Select File for the following specific amendment:
P. 13, lines 19 and 20 strike new language.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 18:

Beutler
Burrows
Chambers
Cullan
Dworak
Fowler
Goll
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Pirsch
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 29:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Marvel
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 2:

Koch
Sieck

The motion to return lost with 18 ayes, 29 nays, and 2 present and not voting.

Mr. Fowler moved to return LB 547 to Select File for the following specific amendment:
Strike section 12 and 13

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to return lost with 17 ayes, 25 nays, and 7 present and not voting.

Mr. Beutler moved to return LB 547 to Select File for the following specific amendment:
Strike Section 14

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cullan requested a record vote on the motion to return.

Voting in the affirmative, 19:

Beutler
Burrows
Carsten
Chambers
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Pirsch
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Apking
Beyer
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Marvel
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner

Present and not voting, 3:

Barrett
Kremer
Sieck

Excused and not voting, 1:

Warner

The motion to return lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Mr. Clark announced Senator V. Johnson's birthday is today.

MOTION - Place LB 824 on General File

Mrs. Labedz renewed her pending motion found in the Journal on page 1060 to place LB 824 on General File pursuant to Rule 3, Sec. 18(b).

Messrs. Nichol, Haberman, and DeCamp asked unanimous consent to add their names to the Labedz motion to place LB 824 on General File. No objections. So ordered.

Mrs. Labedz requested a ruling of the Chair as to whether Rule 3, Sec. 18(b) requiring 25 votes applies or whether Rule 3, Sec. 16 requiring 30 votes applies.

The Chair ruled the proper rule is Rule 3, Sec. 16 requiring 30 votes.

Mrs. Labedz challenged the ruling the of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Koch requested a record vote on challenging the Chair.

Voting in the affirmative, 17:

Apking
Burrows
Carsten
DeCamp
Duda
Goodrich
Hefner
Higgins
Johnson, L.
Labedz
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Wagner

Voting in the negative, 25:

Barrett
Beutler
Beyer
Chambers
Clark
Cullan
Dworak
Fenger
Fowler
Goll
Hoagland
Johnson, V.
Kahle
Koch
Landis
Marsh
Marvel
Newell
Pirsch
Sieck
Stoney
Vickers
Von Minden
Wesely
Wiitala

Present and not voting, 6:

Chronister
Cope
Haberman
Kilgarin
Kremer
Lamb

Excused and not voting, 1:

Warner

The motion lost with 17 ayes, 25 nays, 6 present and not voting, and 1 excused and not voting.

The Chair was sustained.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Labedz-Nichol-Haberman-DeCamp motion to place LB 824 on General File prevailed with 30 ayes, 10 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused Monday, March 15, 1982. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

P. 13, line 17: after "shall", insert "not"

Mr. Koch asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

Req. #2724

1. Insert the following new sections:

"Sec. 2. Prior to operating any vehicle in the State of Nebraska which is equipped with radial tires with metal or metal-type studs, the person desiring to operate such a vehicle shall obtain a permit from the county treasurer of the county in which such vehicle is registered. Except as provided in subdivision (3) (c) of section 3 of this act, any person wishing to operate within this state any vehicle equipped with such tires which is not registered in this state shall obtain a permit from the county treasurer of any county in Nebraska. The application for a permit shall contain the vehicle registration number, the vehicle license number, and the name of the owner of the vehicle and his or her address. The county treasurer shall grant a permit for the use of studded tires upon payment of a one dollar fee and a surcharge of twenty dollars for each vehicle permitted to use studded tires. Upon payment of such fee and surcharge, the county treasurer shall issue a permit containing the information provided on the permit application and the date of expiration. The per-vehicle surcharge shall be transmitted by the county treasurer to the State Treasurer and the State Treasurer shall credit such amount to the Highway Trust Fund. All permits issued pursuant to this section shall be valid only until March 1 of each year. When such permit is granted, the county treasurer shall issue to each permittee a sticker to be placed in the lower right hand corner of the rear windshield. Such sticker shall be displayed at all times when the vehicle is being operated with studded tires. The strickers shall be of a design and color as determined by the Department of Roads and the color of such stickers shall change each year.

Sec. 3. (1) It shall be unlawful for any person to operate in the State of Nebraska any vehicle equipped with radial tires with metal or metal-type studs without having a valid permit. It shall be unlawful to operate in the State of Nebraska any vehicle equipped with more than two studded tires.

(2) It shall be unlawful for any person to sell or install radial tires with metal or metal-type studs unless the person buying such tires or such services shall present a valid permit allowing the use of such tires on the particular vehicle to be serviced. It shall be unlawful for any person to sell or install more than two studded tires for any vehicle or more than 150 studs in any tire. It shall be unlawful to sell or install any tires which do not conform with section 39-6,131.

(3) (a) Any person violating subsection (2) of this section shall be quilty of a Class V misdemeanor.

(b) Any person violating section 39-6,131 or section 2 or 3 of this act shall be guilty of a traffic violation and be fined not more than thirty dollars for each violation, except that no court costs shall be assessed against such person if such fine is paid within fifteen days.

(c) Any person traveling through the state shall not be subject to the provisions of sections 2 and 3 of this act.''.

2. On page 2, line 19, strike ''pneumatic'' and insert ''vehicles weighing less than six thousand pounds using radial'' and after ''metal-type'' insert ''controlled protrusion''; in line 20, strike beginning with ''five-sixteenths'' through ''inch'' and insert ''7.5 millimeters'' and after ''diameter'' insert; in line 21, after ''stud-casing'' insert ''and''; strike beginning with ''seven'' in line 22 through ''15'' in line 23 and insert ''one and one-half millimeters between December 15 and March 1''; and in line 26, strike ''April 15 and October 1'' and

insert "March 1 and December 15".

3. On page 3, line 5, after the period insert "Any vehicle allowed to use studded radial tires shall use no more than two such tires per vehicle and shall have no more than 150 studs in each tire.".

4. Renumber original sections 2 and 3 as sections 4 and 5 respectively.

ANNOUNCEMENT

Mr. Rumery announced executive sessions Sunday, March 14, 1982 at 2:00 p.m. and Monday, March 15, 1982 at 8:00 a.m.

GENERAL FILE

LEGISLATIVE BILL 870. Title read. Considered.

Mr. Stoney offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2788.)

Messrs. Beyer and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Newell and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Stoney requested a record vote on his amendment.

Voting in the affirmative, 25:

Apking
Barrett
Beutler
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kremer
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden

Voting in the negative, 12:

Burrows
Chambers
Dworak
Fowler
Johnson, V.
Kilgarin
Koch
Nichol
Sieck
Vickers
Wagner
Wesely

Present and not voting, 8:

Clark
Haberman
Higgins
Kahle
Marvel
Remmers
Schmit
Wiitala

Excused and not voting, 4:

Beyer
Labedz
Newell
Warner

The Stoney amendment was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2773, printed separate from the Journal and referred to on page 1046. No objections. So ordered.

Mr. Vickers moved to indefinitely postpone LB 870.

Mr. Vickers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 8, Governor's Appointments, which was approved by the Board on March 11, 1982.

Public Works
Roy Smith - State Highway Commission

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 726. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 653 in the Journal. No objections. So ordered.

Req. #2800

1. Insert the following new sections:

"Section 1. No motor vehicle or trailer required to be inspected pursuant to this act may be registered in the State of Nebraska until such vehicle has been inspected and satisfactory evidence of inspection and approval as provided in this act has been issued and proper evidence of such inspection is submitted along with the application for registration of such vehicle. Such inspection may be made at any time within the two calendar months preceding the month of registration.

Sec. 2. Every motor vehicle, semitrailer weighing over five thousand pounds, trailer weighing over five thousand pounds, as defined in section 60-301, and school bus subject to the provisions of section 79-488, except motor vehicles and trailers registered pursuant to section 60-305.09, shall be inspected once each year at official inspection stations at times established by the Department of Motor Vehicles and an official certificate of inspection and approval shall be obtained for each such vehicle. The inspections shall be made with respect to the operating mechanism and equipment that shall be designated by the department and an official certificate of inspection and approval and satisfactory evidence thereof shall be issued only when the mechanism and the equipment meet standards prescribed by the department. No person shall operate any motor vehicle, semitrailer, or school bus subject to the provisions of section 79-488, except implements of husbandry subject to section 60-333 and motor vehicles and trailers registered pursuant to section 60-305.09, without the required certificate of inspection and approval.

The required certificate of inspection and approval for vehicles subject to the provisions of section 60-320, and owned by motor vehicle dealers subject to sections 60-1401 to 60-1435, shall consist of a certificate of inspection that shall be carried in the vehicle at all times as proof of such approval.

No motor vehicle dealer licensed under the provisions of Chapter 60, article 14, shall sell at retail any motor vehicle, semitrailer weighing over five thousand pounds, or trailer weighing over five thousand pounds until such motor vehicle, semitrailer, or trailer has been inspected and a current official certificate of inspection and approval attached and satisfactory evidence thereof issued. If approval is denied and the purchaser agrees to make the necessary repairs and adjustments to meet the standards prescribed by the department, then the motor vehicle dealer shall issue to such purchaser a permit setting forth the time of purchase and delivery to the purchaser, the needed repairs and adjustments, and the signature of the purchaser agreeing to make such repairs and adjustments. The permit shall be in a form prepared by the department and attached to a conspicuous place on the motor vehicle or semitrailer. The motor vehicle dealer shall retain a copy of such permit for a period of one year from the date of sale and the permit shall not be removed from such motor vehicle or semitrailer until it has been reinspected and meets the requirements prescribed by the department. Such motor vehicle or semitrailer shall not be operated on any public street or highway except to the place of repair or to the place of an official inspection station.

Sec. 3. The Director of Motor Vehicles may, at the request of a law enforcement officer, or with other reason to believe that a motor vehicle or trailer bearing a current motor vehicle inspection certificate is in such condition as not to meet the minimum requirements for safe operation on the streets and highways of this state, give notice to the owner or operator thereof to submit to a motor vehicle inspection station as provided in this act to prove it qualified for safe operation on the road. If the vehicle or trailer does not qualify at the time of the inspection, the safety inspection certificate of approval, if attached, shall be removed from and such vehicle shall not be operated on the streets or highways of this state until necessary repairs have been made and the vehicle has satisfactorily passed the motor vehicle inspection requirements. A refusal to submit such vehicle or trailer to an inspection as directed shall be unlawful, and any person violating this section shall be guilty of a Class III misdemeanor.

Sec. 4. The Director of Motor Vehicles shall promulgate such rules and regulations and prescribe such forms as are deemed necessary for the inspection of implements of husbandry in accordance with the provisions of this act.

Sec. 5. The Department of Motor Vehicles may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to the provisions of this act. The department may extend the time within which a certificate shall be obtained for a Nebraska registered vehicle which was in another state during the time an inspection was due.

Sec. 6. (1) The Department of Motor Vehicles shall designate official inspection stations, including automobile service stations, public and private garages, and issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of vehicles and the issuance of official certificates of inspection and approval and satisfactory evidence thereof. Official inspection stations may be designated to serve the public generally or to inspect only a fleet of vehicles owned or operated by the permittee.

(2) Application for a permit as an official inspection station shall be made upon an official form and be granted only when the department is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments necessary for the safe operation of motor vehicles and semitrailers. Upon notice of approval of the station by the department and before a permit is issued, the applicant shall forward to the department a permit fee of ten dollars.

(3) A permit shall be valid for twelve months following the date of issuance unless canceled or revoked. Proprietors of inspection stations may renew such permits by payment of a renewal fee of ten dollars and complying with the other requirements of the department for such renewal.

(4) The department shall supervise and inspect the official inspection stations and shall revoke and require the surrender of the permit issued to a station which is not properly equipped, does not have competent personnel, or is not being properly conducted. The department shall maintain a record of all stations currently holding permits and all those whose permits have been canceled or revoked in the preceding twelve months.

(5) In performing the inspection, an official inspection station shall be an agent of the State of Nebraska, and not an employee of the State, and such agent shall not be liable in any civil action to respond in damages as a result of its acts of commission or omission arising out of and in the course of its rendering in good faith any services involving defects alleged to exist at the time of the inspection.

Sec. 7. (1) No permit for an official inspection station shall be assigned or transferred or used at any location other than designated on the permit and every such permit shall be posted in a prominent place at the location designated.

(2) An official inspection station shall issue a certificate of inspection and approval and satisfactory evidence thereof furnished by the department to the owner or operator of a vehicle upon inspection and determination that its equipment is as required by the Department of Motor Vehicles. A station shall make and maintain for one year a record of every inspection and disposition of every certificate furnished by the department and make reports on these records as required by the department.

(3) Official inspection stations designated to serve the public generally shall order the number of inspection stickers they will require, and shall pay to the department a fee of sixty cents for each sticker ordered at the time of placing such order. Each official inspection station shall collect a fee of six dollars and seventy-five cents for each vehicle inspected except for new vehicles being inspected for the first time. When the fee is paid for an inspection and approval is denied, no additional fees shall be charged for reinspection if repairs and adjustments are made within ten days and the vehicle is returned to the original inspection station for final approval.

(4) All fees collected by the Department of Motor Vehicles under this act shall be paid to the Vehicle Safety Inspection Cash Fund which is hereby created. All expenditures in connection with the administration of this act shall be made from such fund, subject to appropriation by the Legislature. Any money in the Vehicle Safety Inspection Cash Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1269.

Sec. 8. The Department of Motor Vehicles shall make any necessary rules and regulations for the administration and enforcement of this act and the manner and period in which certificates of inspection and approval shall be obtained and displayed. In making such rules and regulations, the department shall comply with Chapter 84, article 9, and shall consult with the Advisory Committee on Motor Vehicle Inspection which is hereby established. The advisory committee shall consist of the Director of Motor Vehicles, who shall be ex officio presiding officer, and five members to be appointed by the Governor. Appointed members of the advisory committee shall have experience in the motor vehicle service field. Terms of committee members shall be five years, except that initial appointments shall be for one, two, three, four, and five years, as the Governor shall designate. Initial appointments shall be effective July 1, 1982, and shall be made prior to that date. Members of the advisory committee shall receive no compensation other than actual expenses incurred in the performance of their official duties as provided in sections 84-306.01 to 84-306.05 for state employees. The advisory committee shall meet on call of the presiding officer.

Sec. 9. (1) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(2) No person shall make, issue, or use any imitation or counterfeit of an official certificate of inspection or satisfactory evidence thereof.

(3) No person shall display or cause or permit to be displayed for any vehicle any fictitious or fraudulently issued certificate of inspection and approval or any certificate issued without an inspection having been made.

(4) No person shall use a fictitious or fraudulently issued or obtained satisfactory evidence of inspection and approval thereof in order to register any vehicle or trailer required to be inspected pursuant to this act, with knowledge that it is fictitious or that it has been fraudently issued or obtained.

Sec. 10. (1) Except as provided in section 3 of this act or in subsection (2) or (3) of this section, any person violating any provision of this act shall be guilty of a Class II misdemeanor.

(2) Any person who is arrested on a charge of operating a motor vehicle with an expired certificate of inspection within thirty days after such expiration shall be allowed five calendar days, excluding holidays, within which to obtain a valid certificate of inspection for such motor vehicle. Presentation of such certificate of inspection obtained within such five-day period shall be an absolute defense and cause for dismissal of such charge. Any person who fails to obtain and present a certificate of inspection pursuant to this subsection shall be subject to the penalty provided by subsection (1) of this section.

(3) It shall be unlawful for any inspection station to issue a certificate of inspection and approval without having made the inspection required by this act. Any inspection station violating this subsection shall be guilty of a Class IV misdemeanor. When any inspection station is convicted of violating any provisions of this subsection, the Department of Motor Vehicles shall immediately revoke the permit of such station. No new inspection station permit shall be issued to any person who has been convicted of a violation of this subsection.

Sec. 11. Sections 1 to 11 of this act shall be known and may be cited as the Motor Vehicle Safety Inspection Act.

Sec. 13. Sections 1 to 11 and 14 of this act shall become operative on July 1, 1982, except that appointments and other necessary actions preparatory to implementation of such sections may be taken prior to such date. Sections 12 and 15 of this act shall become operative three calendar months after the adjournment of this legislative session. Section 13 of this act shall become operative on its effective date.

Sec. 14. That section 60-1708, Revised Statutes Supplement, 1981, is repealed.

Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original sections 1 and 2 as sections 12 and 15 respectively.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 749A. By Kilgarin, 7th District.
This bill introduced on behalf of: LB 749.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 749, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 971. By Marvel, 33rd District.
This bill introduced on behalf of: at the request of the Governor.

A BILL FOR AN ACT to amend section 39-2215, Revised Statutes Supplement, 1981, relating to the Highway Trust Fund; to provide for financing the Nebraska State Patrol's Protection of People and Property Program; to provide an operative date; to repeal the original section; and to declare an emergency.

VISITORS

Visitors to the Chamber were Senator Koch's son, Scott Koch; 10 students and teacher from Exeter; 10 students and teacher from District 69; 22 students and teacher from North Loup; 12 students and teacher from Berwyn; and 14 students and teacher from Emmanuel Lutheran School, York.

RECESS

At 11:58 a.m., on a motion by Mr. Stoney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Dworak, Fowler, V. Johnson, Newell, R. Peterson, Sieck, Von Minden, Wagner, Mesdames Higgins, Labedz, Marsh, and Pirsch who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 628, 631, 669, 669A, 722, 782, and 827.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 722

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 722:

In the title, line 5, "of Nebraska" has been inserted after "Statutes".

On page 14, line 16, "of Nebraska" has been inserted after "Statutes".

Enrollment and Review Changes to LB 628

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 628:

1. Because of the Landis amendment, in the Peterson amendment, lines 1 and 2 and through the second "and" in line 3 have been stricken and "1. on page 3," inserted.
2. On page 4, line 13, the first "such" has been stricken and "its" inserted.
3. On page 2, line 11, "and" has been stricken and "any" inserted.

Enrollment and Review Changes to LB 669

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 669:

1. On page 2, line 16, "two" has been stricken and "three" inserted.
2. In the title, as amended, line 7, the comma has been stricken and a semicolon inserted.

(Signed) Emory P. Burnett
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 870. Considered.

Speaker Marvel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to indefinitely postpone LB 870.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 21:

Barrett
Burrows
Chambers
Chronister
Clark
DeCamp
Goll
Haberman
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Nichol
Remmers
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Carsten
Cope
Cullan
Duda
Dworak
Fenger
Goodrich
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Warner

Present and not voting, 2:

Beyer
Hoagland

Excused and not voting, 6:

Beutler	Higgins	Marvel
Fowler	Labedz	Newell

The Chambers motion to indefinitely postpone prevailed with 21 ayes, 20 nays, 2 present and not voting, and 6 excused and not voting.

PRESIDENT LUEDTKE PRESIDING

Messrs. Clark and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 259. E & R amendments found in the Journal on page 1006 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 774. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 609. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767. E & R amendment found in the Journal on page 1057 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 767A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 941. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 877. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 792. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 716. E & R amendment found in the Journal on page 1059 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 931. E & R amendment found in the Journal on page 1058 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 796. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 845. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 644. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 696. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 828. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 642. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 678. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 775. Mr. Chambers requested a machine vote.

Advanced to E & R for Engrossment with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 776. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 951. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 961. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 784. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 651. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 601. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 697. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 962. E & R amendment found in the Journal on page 1059 for the Thirty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 839. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 890. E & R amendment found in the Journal on page 1059 for the Thirty-Ninth Day was adopted.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 582A. By Kilgarin, 7th District.
This bill introduced on behalf of: LB 582.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 582, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 670A. By Kremer, 34th District.
This bill introduced on behalf of: LB 670.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 670, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Wagner asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

(1)

1. On page 17, line 22, strike "determine" and insert "assess".

Mr. Wagner asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

(2)

1. On page 12, line 13, strike "per diem"; and in line 14 strike "and subsistence" and insert "his or her actual and necessary".

SELECT FILE

LEGISLATIVE BILL 626. E & R amendments found in the Journal on page 1005 for the Thirty-Seventh Day were adopted.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 958. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1098. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1098. No objections. So ordered.

Mr. Rumery offered the following amendment:

1. On page 2, line 4, after "(1)" insert "Except as provided in subsection (11) of this section, no" and strike "No".

On line 26, strike "corporate limits of the city" and insert "county".

2. On page 8, following subsection (10), insert: "(11) With the approval of the Director and that of the majority of the members of a cooperative credit association, any bank chartered by the State of Nebraska or national banking association whose main chartered office is located in the State of Nebraska may place a full service office in any village located in the same county as said bank and in which a cooperative credit association is in operation; provided, the members of said cooperative credit association agree to discontinue operation of the cooperative credit association, and provided further, that the bank assumes the assets and liabilities of the cooperative credit association through purchase, merger, consolidation, or otherwise. This office may be maintained as a full service branch office and may offer all the services permitted to be offered by the bank at its main office. Such branch office may be relocated within the same village but may not be moved to another city or village."

The amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Burrows
Cullan
DeCamp
Fenger
Fowler
Goodrich
Haberman
Hoagland
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Marvel
Newell
Peterson, H.
Pirsch
Rumery
Schmit
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Duda
Goll
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Peterson, R.
Remmers
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 2:

Dworak
Johnson, V.

Excused and not voting, 2:

Clark
Nichol

Absent and not voting, 1:

Chambers

Advanced to E & R for Engrossment with 25 ayes, 19 nays, 2 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 720. E & R amendment found in the Journal on page 1057 for the Thirty-Ninth Day was adopted.

Mr. Kahle asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland renewed his pending amendment found in the Journal on page 1108.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 807. E & R amendments found in the Journal on page 1058 for the Thirty-Ninth Day were adopted.

Mr. Landis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1106. No objections. So ordered.

Messrs. Landis and Beutler offered the following amendment:

1. On page 4, line 8, after the period insert "If the prospective petition is in proper form, the city

clerk shall authorize the circulation of the petition and such authorization shall be given within three working days from the date the prospective petition was filed."; in line 10 after "shall" insert ", within three working days from the date the prospective petition was filed,"; and strike beginning with "After" in line 11 through the period in line 13 and insert "When the requested changes have been made and the revised prospective petition has been submitted to the city clerk in proper form, the city clerk shall authorize the circulation of the petition and such authorization shall be given within two working days from the receipt of the properly revised petition.".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis and Mrs. Pirsch offered the following amendment:
Req. #2796

1. Insert the following new sections:

"Sec. 38. That section 14-201, Revised Statutes Supplement, 1980, be amended to read as follows:

14-201. In any city of the metropolitan class there shall be elected seven council members, whose terms of office shall, except as provided in section 14-201.04, be four years, who shall constitute the council of such city. The regular or general election for the election of elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May and every two years thereafter. The term of office of such council members shall commence on the ~~second Tuesday~~ fourth Monday after such election.

Sec. 39. That section 14-204, Revised Statutes Supplement, 1980, be amended to read as follows:

14-204. (1) Candidates for the office of council member shall be nominated by district at a primary election, and no other names shall be placed upon the official ballot to be used at the regular or general city election except those selected at such primary in the manner hereinafter provided. A candidate for council member shall be a qualified elector and a resident of the district from which he or she seeks election, and resident in the city and district or any area annexed by the city for one year. Notwithstanding any more general law respecting the time or manner of holding primary elections, the primary election for such nomination shall be held on the first Tuesday of April preceding the date of the general or regular city election.

(2) Any person desiring to become a candidate for council member, as referred to in subsection (1) of this section, shall at least thirty days prior to the date of

holding such primary file, with the officer authorized to conduct the general city election, a statement of such candidacy, in substantially the following form:

State of Nebraska)
) ss.
County of ______)

I, ____________, being first duly sworn, say that I reside at No. ____________ Street, in city council district ____________, in the city of ____________, County of ____________, and State of Nebraska; that I am a qualified voter of said city and district; that I am a candidate for the office of council member, to be voted upon at the primary election to be held on the ____________ day of April, 19__; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for said office.

(Signed) ____________

Subscribed and sworn to before me by the said ____________________ this ________ day of ____________, 19___ .

____
Notary Public

(3) Any city of the metropolitan class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 40. That section 15-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-301. (1) The general city elections in cities of the primary class shall be held on the first Tuesday in May of every odd-numbered year. At all primary, general, and special city elections, the polls shall be kept open between the hours of 8:00 a.m. and 8:00 p.m.

(2) Any city of the primary class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 41. That section 16-302.01, Revised Statutes Supplement, 1981, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and two council members from each ward, who shall be electors of the city and residents of the ward from which elected. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) All elected officers in a first-class city shall serve for a term of four years and until their successors are elected and have qualified.

(4) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(5) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(6) In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his or her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) The city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. Petitions for the filling of a vacancy on the ballot shall be filed in accordance with section 32-537.

(8) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election

ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

(9) Any city of the first class having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Sec. 43. That section 32-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-513. Prior to the filing of any nomination papers, there shall be paid to the county treasurer or city treasurer in case of municipal officers for the use of the general fund of the county or city of the candidate's residence, by or on behalf of each candidate, a filing fee as follows: For the office of United States Senator, for state officers, including members of the Legislature, members of Congress, county officers, including county superintendent of public instruction, district superintendent of public instruction, and municipal officers, except those subject to subsection (3) of section 14-204, subsection (2) of section 15-301, or subsection (9) of section 16-302.01 regardless of whether the municipality has taken action under such subsections, a sum equal to one per cent of the annual salary such candidate will receive if he or she is elected and qualifies for the office he or she files for as a candidate; for directors of public power and irrigation districts in those districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, ten dollars; and reclamation districts, ten dollars. No nominating papers shall be filed until the proper treasurer's receipt, showing the payment of such filing fee, shall be presented to the officer with whom the nominating paper is to be filed. No certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate, which filing fee shall be paid within ten days after the canvass of the votes. A filing fee of twenty-five dollars shall be required from candidates for Regents of the University of Nebraska and the State Board of Education. There shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required of any candidate completing an affidavit in support of request to file for public office in forma pauperis. A pauper, for purposes of this section, is defined as one whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements, and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.

The term available resources includes every type of property or interest in property that an individual owns and may convert into cash, with the exception of:

(1) Real property used as a home;

(2) Household goods of a moderate value used in the home; and

(3) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.''.

2. On page 20, line 3, after ''sections'' insert ''15-301,'' and after ''16-6,108,'' insert ''32-513,''; and in line 5 after the second comma insert ''sections 14-201 and 14-204, Revised Statutes Supplement, 1980, and section 16-302.01, Revised Statutes Supplement, 1981,''.

3. Renumber remaining sections accordingly.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Landis offered the following amendment to LB 807:

1. In the Standing Committee Amendments on page 2, line 26, after ''referendum'' insert ''or limited referendum''; on page 3, line 6, after ''referendum'' insert ''or limited referendum or previously approved by a measure adopted prior to the effective date of this act''; on page 3, line 7, after the word ''to'' insert ''any''; after Section 28 1 (d) insert the following:

''(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit prescribed in subsection (3) of this section or which received voter approval after the filing of such petition.''

2. In the Standing Committee Amendments on page 3, line 27, strike the word ''and'' and insert the word ''or''; on page 4, line 14 strike ''such'' and after ''measures'' insert ''subject to limited referendum''; on page 4, line 17, strike ''enactment'' and insert

''adoption''; on page 4, line 18, insert ''effectiveness of the'' before the word ''measure''; on page 4, line 19, strike ''not take effect'', insert ''be suspended''.

3. In the Standing Committee Amendments on page 4, after Section 28(3) insert the following:

''(4) For any measure relating to the acquisition, construction, installation, improvement or enlargement of public ways, public property, utility systems, or other capital projects, a municipality may by giving notice in the manner prescribed in this subsection (4), exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this act. Notice for purposes of establishing such exemption shall be given as follows: (a) for those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution, a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of 30 days and that, after such 30 day period, the project and measures related to it will not be subject to any further right of referendum, (b) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineers' estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of 30 days and that, after such 30 day period, the project and measures related to it will not be subject to any further right of referendum.''

4. In the Standing Committee Amendments on page 4, line 20, strike ''(4)'' and insert ''(5)''; on page 4, line 21, strike ''and (2)'' and insert '', (2) and (4)''; on page 4, line 23, strike ''enacted'' and insert ''adopted.''

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached report on the referral of Legislative Bill 971.

LB	**Committee**
971	Appropriations

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 970	Wednesday, March 17, 1982	12:00 Noon
LB 971	Thursday, March 18, 1982	12:00 Noon

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 584. Indefinitely postponed.
LEGISLATIVE BILL 638. Indefinitely postponed.
LEGISLATIVE BILL 643. Indefinitely postponed.
LEGISLATIVE BILL 689. Indefinitely postponed.
LEGISLATIVE BILL 791. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.
LEGISLATIVE BILL 837. Indefinitely postponed.
LEGISLATIVE BILL 900. Indefinitely postponed.

(Signed) Elroy Hefner, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 215, 410, and 417.

SELECT FILE

LEGISLATIVE BILL 577. Considered.

Mr. Wesely moved to indefinitely postpone LB 577.

Mr. Wesely asked unanimous consent to withdraw his pending motion to indefinitely postpone. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 208. E & R amendments found in the Journal on page 391 for the Eleventh Day were adopted.

Mr. Remmers asked unanimous consent to withdraw his pending amendment found in the Journal on page 411. No objections. So ordered.

Mr. Remmers asked unanimous consent to withdraw his pending amendment found in the Journal on page 512. No objections. So ordered.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 959. No objections. So ordered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1110. No objections. So ordered.

Mr. Koch renewed his pending amendment found in the Journal on page 1100.

Messrs. Vickers, Remmers, and Lamb offered the following amendment to the pending Koch amendment:

Amend the Koch amendment to LB 208, Req. 2772, found on pages 1100 through 1105 of the Legislative Journal, as follows:

1. Page 1 of the amendment, line 24, strike "the differences" and insert "a difference"; line 25 following "the", insert "state" and strike beginning with the comma following "accreditation" through "efficiency" on page 2, line 1 of the amendment.

2. Page 4 of the amendment, line 8, after "board", strike "deems it in the best educational interest" and insert "determines that the elements of the petition have been proven, including that it is in the best educational interest, as defined above,".

Mr. Koch requested a division of the question on the Vickers-Remmers-Lamb amendment.

The Chair sustained the division of the question.

The first amendment is as follows:

1. Page 1 of the amendment, line 24, strike "the differences" and insert "a difference"; line 25 following "the", insert "state" and strike beginning with the comma following "accreditation" through "efficiency" on page 2, line 1 of the amendment.

Amendment 1 was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

The second amendment is as follows:

2. Page 4 of the amendment, line 8, after "board", strike "deems it in the best educational interest" and insert "determines that the elements of the petition have been proven, including that it is in the best educational interest, as defined above,".

Amendment 2 was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Koch amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 672. E & R amendments found in the Journal on page 790 for the Thirtieth Day were adopted.

Mr. V. Johnson offered the following amendment:

1. On page 2, line 7, after "of" insert "rehabilitating," and strike "and", show as stricken, and insert ", or"; and in line 21, after "such" insert "rehabilitation," and strike "and", show as stricken, and insert ", or".

2. On page 3, line 7, after "to" insert "provide for the rehabilitation of substandard or blighted property; and".

The amendment was adopted with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:

By striking the word "thirty" on page 2, line 18 and page 3, line 10, and insert "twenty-five".

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Apking
Beyer
Carsten
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, R.
Remmers
Rumery
Sieck
Von Minden
Wiitala

Voting in the negative, 13:

Barrett
Beutler
Chambers
Cope
Goll
Haberman
Kremer
Lamb
Pirsch
Stoney
Vickers
Warner
Wesely

Present and not voting, 7:

Burrows
Fowler
Hefner
Marvel
Peterson, H.
Schmit
Wagner

Excused and not voting, 4:

Clark
Kahle
Labedz
Nichol

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

MESSAGE FROM THE GOVERNOR

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 126, 375, and 525 were received in my office on March 5, 1982.

LB 126 and LB 525 were signed by me on March 10, 1982. LB 375 was signed by me on March 11, 1982. These bills were delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ANNOUNCEMENT

Speaker Marvel announced LB 726 be set on Special Order Thursday, March 18, 1982.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1982, at 3:55 p.m., were the following bills: 215, 410, and 417.

(Signed) Hazel Kaltenberger, Enrolling Clerk

VISITORS

Visitors to the Chamber were Tippy and Brett Froendt; Swede and Helen Kalin; 4 students and principal from Zion School from Bancroft; 26 students and teacher from Seward; and 41 students and teachers from Geneva.

ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:30 a.m., Monday, March 15, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 15, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 15, 1982

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Fowler, Goll, Marvel, and Rumery who were excused; and Mesdames Apking, Pirsch, Messrs. Burrows, Chambers, Haberman, Hoagland, V. Johnson, Nichol, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

REPORT

Received report from Department of Roads of statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for February, pursuant to Section 5(4) of LB 722.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 967. Placed on General File as amended.
Standing Committee amendment to LB 967:
Req. #2802

1. On page 3, after line 20 insert: "Claim No. 031, against the Public Employees Retirement Board, pay to Georgia Bonifield, Hyannis, Nebraska, 69350, out

of the General Fund	72.29
Claim No. 072, against the Governor, pay to Bruce G. and Annette E. Mason, 8420 West Dodge Road, Suite 301, Omaha, Nebraska, 68114, out of the General Fund	85,000.00".

LEGISLATIVE BILL 968. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Hefner and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 248.

Introduced by Administrative Rules and Regulations Review Committee: V. Johnson, 8th District, Chairperson; Koch, 12th District; Barrett, 39th District; DeCamp, 40th District; Fowler, 27th District; Haberman, 44th District; R. Peterson, 21st District.

Several states have employed a central panel of administrative law judges for the adjudication of cases before administrative agencies. These judges are employed by a separate agency from the one involved in the case. Agencies covered by the state's Administrative Procedure Act are required to use only central panel hearing officers or judges. Generally, the hearing officers are lawyers with some trial experience.

Currently, in Nebraska, most hearing officers are employed by the agency involved in the case, either on a permanent or temporary basis. Concern has been expressed with this type of system where the agency is the rule-maker, the prosecutor and the judge in an administrative proceeding. The implementation of a central panel of hearing officers or administrative judges may alleviate some of these concerns by interjecting into the system decision-makers who are not associated with the agency prosecuting the proceeding.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Administrative Rules and Regulations Review Committee conduct an interim study into the feasibility of employing an independent hearing examiners system for state agencies in Nebraska.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 652. Placed on Select File as amended. E & R amendments to LB 652:

1. In the Beutler amendment to page 1 of the DeCamp amendment, strike "line 14" and insert "lines 13 and 14".

2. On page 2 of the DeCamp amendments, insert "and" at the end of line 4; in line 10 strike "(3)" and insert "(2)" and after the second "the" insert "requirement that the"; and in line 11 strike "from making" and insert "make".

3. Insert the section added by the Koch amendment as section 5, and renumber original section 7 as section 6.

4. In the title, line 4, strike "and"; and in line 5 insert "to provide for termination; and to declare an emergency" after "criteria".

LEGISLATIVE BILL 522. Placed on Select File as amended. E & R amendments to LB 522:

1. In section 42 as found in the Cullan et al amendments, line 1, strike the first "Section" and insert "Sec.", and insert a comma after "68-1022"; before line 3 insert "68-1022."; in line 11, reinstate the stricken comma and strike the second comma and show stricken; in line 13 insert an underscored comma after "thereafter"; and in line 14 strike the comma and show stricken.

2. In the last line on page 1 of the Cullan et al amendments, strike "effective" and insert "operative".

3. In the amendment to page 34, following line 20, insert "section" after "and"; strike "State" and insert "Statutes"; and insert a comma after "1981".

4. On page 34, line 19, strike "and"; and in line 23, strike "68-322.01,".

5. In the title, line 12, strike "and"; in line 13 insert "and" after the second comma and strike "and 68-1022,"; in line 14 insert ", and section 68-1022, Revised Statutes Supplement, 1981" after "1980"; on page 2, line 1, insert "and" after the semicolon; in line 5 strike "68-322.01,"; and strike beginning with the semicolon in line 7 through "emergency" in line 8.

LEGISLATIVE BILL 568. Placed on Select File as amended.
E & R amendments to LB 568:

(Amendments are to Req. 2666.)

1. On page 2, lines 12 and 16, strike the comma; and in lines 15 and 27, strike the period.
2. On page 5, line 18, after "the" insert "effective".
3. On page 6, line 6, after the semicolon insert "and".
4. On page 11, line 25, strike the period and insert an underscored semicolon.
5. On page 13, line 17, insert an underscored comma after "shall".

Correctly Engrossed

The following bills were correctly engrossed: 69, 359, 428, 571, 623, 659, 705, 724, and 779.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 359

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 359:

In the Landis amendment (Req 2526) page 2, line 1, "county clerk, or" and in lines 1 and 2, "in counties having election commissioners," has been stricken and shown stricken; on page 2, lines 19 and 20, and page 3, lines 5 to 7, "or the county clerk in counties having no election commissioner" has been stricken; on page 3, line 12, page 9, line 24, and page 10, line 12, lines 16 and 17, and line 19, "or county clerk" has been stricken.

Enrollment and Review Changes to LB 571

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 571:

1. In the title, line 2, "section 76-604" has been stricken and "sections 76-404 and 76-406" inserted; in line 5 "to restrict a prohibition;" has been inserted after the semicolon; and in line 6 "section" has been stricken and "sections" inserted.

Enrollment and Review Changes to LB 623

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 623:

On page 1, line 15 of the DeCamp amendment adopted Febr. 9, an underscored period has been added after "lender".

Enrollment and Review Changes to LB 659

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 659:

In the title, line 3, "; to amend sections 48-418 and 48-418.12, Reissue Revised Statutes of Nebraska, 1943, and section 48-418.13, Revised Statutes Supplement, 1981; to provide for an elevator code; to repeal the original sections; and to declare an emergency" has been inserted after "prescribed".

Enrollment and Review Changes to LB 705

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 705:

1. In the title, line 3, "and section 77-2711, Revised Statutes Supplement, 1981," has been inserted after the second comma and "judgments" has been stricken and "interest" inserted; in line 5 "; and" has been stricken and "and delinquent taxes;" has been inserted and "section" has been stricken and "sections; and to declare an emergency" inserted.
2. The sections have been renumbered to show original section 2 as section 3 and the emergency clause as section 4.
3. In the Carsten amendment Req. 2639, on page 4, line 18, "76-2711" has been stricken and "77-2711" has been inserted.

Enrollment and Review Changes to LB 724

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 724:

Original section 10 has been renumbered as section 8.

(Signed) Emory P. Burnett
E & R Attorney

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 785. Placed on General File.

LEGISLATIVE RESOLUTION 212. Placed on General File.

The Public Works Committee desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Guy F. (Jeff) Bush - Nebraska Oil and Gas Conservation Commission
Reed Gilmore - Nebraska Oil and Gas Conservation Commission

VOTE: For: Senators Beutler, DeCamp, Hoagland, Koch, Kremer, Lamb and Wesely. Against: None. Absent: Senator Clark.

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 577. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 243. Read. Considered.

Mr. Newell asked unanimous consent to have his name added as co-introducer to LR 243. No objections. So ordered.

LR 243 was adopted with 28 ayes, 0 nays, and 21 not voting.

GENERAL FILE

LEGISLATIVE BILL 573. Title read. Considered.

Standing Committee amendments, Req. #2626, found in the Journal on page 592 for the Twenty-Second Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 9 present and not not voting, and 11 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 214
March 4, 1982

Dear Senator Kahle:

By letter dated February 11, 1982, you have requested an opinion from this office regarding the constitutionality of legislation which would maintain the constitutional office of Auditor of Public Accounts but shift some of the present functions of that office to a legislatively established Public Auditor. Specifically, the Auditor of Public Accounts would continue to do audits of the counties, miscellaneous political subdivisions and agencies receiving federal grants and would continue to review audits submitted by municipalities. The Public Auditor would perform performance reviews, financial audits of state agencies and miscellaneous studies and analyses at the request of the Legislature.

As the legislation of which you are inquiring has not yet been drafted, it being a possible compromise to LB 795 which purports to abolish the office of Auditor of Public Accounts, our opinion as to the proposal's constitutionality is necessarily limited to a review of the general outline of the plan as set forth above, rather than a review of its specific provisions.

The Legislature does have the power to create additional executive offices, such as the Public Auditor. The Constitutional Convention of 1919-1920 proposed certain changes to the Constitution as it then existed. The Constitution at the time provided that no executive state office would be established other than those listed within the document itself. The Convention resulted in a proposal whereby the Legislature could create such offices and that provision is now found in Article IV, Section I of the Nebraska Constitution. A reason given for such proposal was as follows: "Future development of the state doubtless will bring with it new conditions and problems which can not now be foreseen. The Constitution should be sufficiently elastic to enable the people to meet such changing conditions." Constitutional Convention 1919-1920 pages 2964, 2965. The context of the discussion on the proposal would indicate that the change was being sought so that additional officers could be established to meet the additional problems experienced with the passage of time rather than to enable the Legislature to transfer the traditional duties of the constitutional executive offices to a statutorily created office.

It is clear that "the legislature cannot abolish a constitutional office nor deprive the office of a single prescribed constitutional duty. Nor can this be done by indirection, such as depriving him of all statutory duties, thereby leaving the office in name only, an empty shell." Thompson v. Legislative Audit Commission, 79 N.M. 693, 694, 448 P.2d 799, 801 (1968). In the Thompson case, the Legislature had, in effect, over a period of time removed all of the audit functions from the State Auditor and placed them with the statutorily created department and commission, leaving the auditor only as a member of certain state boards and with insignificant miscellaneous duties. The question becomes more difficult, however, where the legislation does not abolish the office entirely, or does not eviscerate its statutory duties, if to do so would leave the office without any functions.

It is equally clear that "the Legislature connot relieve or preclude any executive officer from the performance of a duty enjoined on him by the Constitution, or, as otherwise expressed, it cannot take away from a constitutional officer the powers or duties given him by the Constitution; or vest such powers or functions in any other department or officer (footnotes omitted)." 16 C.J.S. §130, page 545 (1956).

Therefore, in addition to the inability of the Legislature to abolish the office entirely or to excessively diminish its statutory responsibilities when no duties of any significance remain, is also impermissible to take away any of the duties constitutionally established for the office.

The Constitution of Nebraska does not specifically establish any duties for the Auditor of Public Accounts, with the exception of Article IV, Section 28, which gives him the authority, in conjunction with other named constitutional officers, to review and equalize assessments of property for taxation. The only other constitutional provision regarding the duties of this officer is found in the same section which creates the office: "Officers in the executive department of the state shall perform such duties as may be provided by law." Nebraska Constitution, Article IV, Section I.

The absence of specifically enumerated duties, however, does not necessarily mean that any present duty of the Auditor is fair game for legislative modification. For instance, in Allen v. Rampton, 23 Utah 2d 381, 463 P.2d 7 (1969), it was determined that legislation which attempted to remove the responsibility for investment of state funds from the state treasurer and place it in the hands of an investment council was unconstitutional as it took away from the constitutional duties necessarily implied in the office of state treasurer, even though the only duties set out in that state's constitution for the state treasurer was that he be the custodian of public money. See also, State ex rel. Cummins, 99 Ten. 667, 42 S.W. 880 (1897), which held that the keeping of prisoners is a duty inherent in the constitutional office of sheriff and a law which sought to place that function in another was unconstitutional. Attached for your convenience is a copy of Attorney General Opinion No. 110, 1969-70, which contains a helpful discussion of this issue.

The dividing line between duties which are inherent in the constitutional office of Auditor of Public Accounts and those which are solely the product of statute is not clear. In addition, there is some precedent that a constitutional provision which describes the duties of constitutional officers solely by reference to such duties "as may be provided by law," as does our Constitution, requires the interpretation that the office carries no inherent duties but is molded exclusively by statute. Shute v. Frohmiller, 53 Ariz. 483, 90 P.2d 998 (1939). This interpretation, taken to its extreme, would suggest that the Legislature would be within its power to take all statutory duties away from a constitutional officer and create a statutory office to assume those responsibilities formerly lodged in the constitutional one. However, an attempt to do just that was tested in that jurisdiction and was held unconstitutional. Hudson v. Kelly, 76 Ariz. 255, 263 P.2d 362 (1953).

It should also be pointed out that the Arizona court has taken a more restrictive approach than the Nebraska Supreme Court to the constitutional language giving constitutional officers such duties "as may be provided by law." The Arizona court has read this to exclude any common law powers of the Attorney General. State v. Frohmiller, supra. In Nebraska, the Attorney General possesses all the common law powers of that office unless limited by statute. State ex rel. Sorensen v. State Board of Equalization, 123 Neb. 259, 242 N.W. 609 (1932). This difference may indicate that constitutional officers in Nebraska are more likely clothed with certain inherent duties. Whether the difference would cause greater limitations on the ability of the Legislature to limit those implied powers and duties is not clear.

The constitutionality of legislation affecting an executive office established by the Constitution, therefore, appears to be a matter of degree. That which removes the substance of the office will likely be held unconstitutional while that which makes minor deviations in what had previously been considered the functions of that office may well be upheld (see, Follmer v. State, 94 Neb. 217, 142 N.W. 908 (1913), wherein the supreme court of this state saw no constitutional infirmity with a statute which permitted the chief officer of a department of state government to employ an attorney other than the Attorney General).

Some of what makes up the substance of the office of Auditor of Public Accounts is evident from the title of the office itself. In Thompson v. Legislative Audit Commission, 79 N.M. 693, 448 P.2d 799 (1969), "auditor" was defined as "An officer of the government, whose duty it is to examine the acts of officers who have received and disbursed public moneys by lawful authority." Id. at 696, 448 P.2d at 802, citing Ballentine Law Dictionary, Second edition. Other insights into the authority inherent in the office can be found by examining the record of the Constitutional Convention of 1875. At that early date, the Auditor of the state was requested to furnish to the Convention 1) the amount of the appropriation made by the last legislative assembly for each public institution in each department of state government, 2) the amount; to whom, what department of state government, or public institution; and for what material or service warrants had been drawn since a specified point in time, 3) whether the warrants referenced in paragraph 2 represented the total expenditures for the department or institution, and, if not, he was requested to explain (Id. at 524), 4) to furnish a statement showing lands donated to Nebraska by the federal government and the lands donated by the state to each railroad or for other internal improvements, and 5) to furnish an accounting of the school fund for calendar years 1874 and 1875, with an itemization of legislative appropriations from the fund (Id. at 578). The foregoing request provides some indication that the Auditor was thought to be the general accountant of the state, an overseer of appropriations and expenditures for all state departments.

Considering the proposal to create the office of Public Auditor in light of the foregoing, it is the opinion of this office that such legislation would be unconstitutional if it removed the responsibility for financial audits of state agencies from the Auditor of Public Accounts by placing that function with the Public Auditor as that function is one properly belonging to the Auditor of Public Accounts.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:jmf
h5
Enclosure.
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 215
March 8, 1982

Dear Senator Kahle:

By letter dated February 11, 1982, you requested an opinion from this office as to the constitutionality of various provisions of LB 882, in particular section 2 which requires that both the Auditor and Deputy Auditor be certified public accountants and holders of current certificates to practice.

In State ex rel. Quinn v. Marsh, 141 Neb. 436, 3 N.W.2d 892 (1942), an applicant under the age of 30 sought to have his name printed on the ballot for the constitutional office of State Railway Commissioner. A statute required that commissioners be 30 years of age and, therefore, the Secretary of State rejected the application. This was challenged in the courts, the district court holding that the statute was unconstitutional. The Supreme Court, however, reversed. Although the court accepted the proposition "that where the Constitution creates an office and enumerates the qualifications for eligibility to the office the legislature is without power to impose other conditions of eligibility [citations omitted]", id. at 439, 3 N.W.2d at 894, it could not agree with the applicant's argument that where the Constitution contains no provision for eligibility for an office, it implies that there should be none imposed by the Legislature, stating: "[W]e are fully committed to the doctrine that the Constitution of this state is not a grant but a restriction on legislative power, and that the legislature may legislate upon any subject not inhibited by the Constitution." Id. at 445, 3 N.W.2d at 897, quoting Swanson v. State, 132 Neb. 82, 271 N.W. 264. The court then went on to consider the reasonableness of the age limitation.

Another case standing for the proposition that where the Constitution is silent on a subject, the Legislature has the power to impose reasonable qualifications as a condition of eligibility to hold office is State ex rel. Landis v. Ward, 158 So. 273 (Fla. 1934). This case is mentioned as it permitted the imposition of professional licensing requirements on a constitutional officer. The court upheld the statute which required county surveyors, a constitutional office, to be registered with the State Board of Engineering Examiners, as a reasonable means of insuring that the holder of the office was "competent under the law to personally perform the acts that must be done by an incumbent of it in order to enable him to discharge the official duties that the law requires." Id. at 275.

As no eligibility requirements for the Auditor of Public Accounts are set forth in the Constitution, it would, in our opinion, be permissible for the Legislature to impose reasonable qualifications for eligibility for that office. The requirement that the Auditor be a certified public accountant would appear to be such. "Auditor" is defined in Black's Law Dictionary, 4th Ed. (1968) as "A public officer whose function is to examine and pass upon the accounts and vouchers of officers who have received and expended public money by lawful authority. An officer who examines accounts and verifies the accuracy of the statements therein." This state has seen fit to oversee the professional qualifications of those who examine books, records and financial statements of others so as to give their opinion of whether the financial statements accurately portray the financial condition of the one being examined. Neb.Rev.Stat. §1-106, et seq. (Reissue 1977). It would seem reasonable to require the Auditor of Public Accounts to meet these same requirements.

As a matter of statutory consistency, you may wish to change the last sentence of section 2 to require the Auditor and Deputy Auditor to be holders of current permits to practice, if that is what was intended. Under Nebraska law there are both certificates and permits and the use of the term "certificate" in section 2 may cause some confusion.

You have also requested the opinion of this office on the constitutionality of the bill's other provisions.

There are many provisions that are constitutionally questionable in several respects. First, the bill includes provisions which clarify the definition of public accountancy, impose professional licensing requirements on the office of Auditor of Public Accounts and his deputy, require the minimum standards for accounting reports prepared for political subdivisions to be consistent with sound accounting principles as determined by the State Board of Public Accountancy, and establish certain personnel policies and practices for a constitutional office. This menagerie of topics is arguably in violation of Article III, Section 14, of the Constitution of this state prohibiting bills from containing more than one subject. However, this section of the Constitution has been liberally construed in favor of the constitutionality of legislation and as the provisions are all tied to the Auditor of Public Accounts, it is likely that the bill will be upheld in that respect.

Another concern is that the effect of amendments contained in section 1 and section 2 of the bill which require the Auditor to be a certified public accountant and classify the practice of accounting by the Auditor as the profession of public accountancy, would be to subject the Auditor of Public Accounts to the revocation of his certificate and permit to practice for any of the grounds listed in Neb.Rev.Stat. §1-137 (Reissue 1977). As section 2 of the bill requires the Auditor of Public Accounts to be a certified public accountant and a holder of a current "certificate" (permit ?) to practice, this would open up the possibility that the Auditor could be disqualified from holding his office during the term thereof. If this construction were adopted, the legislation would be violative of Article IV, Section 5, of the Nebraska Constitution which has been interpreted to provide that the only means for removing the holder of a constitutional office during his term in office is by impeachment. Fitzgerald v. Kuppinger, 163 Neb. 286, 79 N.W.2d 547 (1956). It is our opinion, however, that the bill will not be considered constitutionally defective for this reason. Legislation carries with it a presumption of constitutionality and, if possible, will be construed in a way to negative any constitutional infirmity. As a result, a court confronted with the problem would most likely determine that the requirements that the Auditor be a certified public accountant and holder of a current certificate or permit to practice are for eligibility purposes only and a revocation of either during his term of office would not result in the Auditor having to vacate his position until the end of his term.

The provision which causes us the greatest problem is section 4 which requires the Auditor of Public Accounts to establish grievance procedures for his employees. The proposed legislation does not go into detail in regard to the grievance procedures to be offered to employees. Whether the finding of the hearing officer presiding over the grievance proceeding is to be binding upon the Auditor or merely a recommendation is also not specified. As a result of this lack of specificity, we have not attempted to consider the question of whether the Legislature has gone too far in attempting to regulate the internal workings of a constitutional office.

However, it does appear that the establishment of grievance procedures for employees in the office of the Auditor of Public Accounts does run afoul of Article III, Section 18, of our Constitution which prohibits the enactment of special laws where general laws can be made applicable. LB 882 has only conferred the benefit of grievance procedures on employees of one constitutional officer. Although there is no prohibition on class legislation, the classification must be reasonable. It "must rest upon real differences in situation and circumstances surrounding members of the class relative to the subject of the legislation which renders appropriate its enactment." State ex re. Douglas v. Marsh, 207 Neb. 598 at 608, 300 N.W.2d 181 at 187 (1981). Although the creation of a class within the office of the Auditor of Public Accounts may be appropriate for some purposes, we fail to see a rational basis for the distinction being drawn between employees of the Auditor's office and employees of other constitutional offices in relation to grievance procedures. While there may be a basis for the distinction between state employees who are in a constitutional office and those who are not (neither Merit System nor Personnel rules are applicable to the employees of constitutional officers, Attorney General Opinion No. 129 (1981).), a further division in respect to employment rights would not seem warranted.

Although to some extent the Legislature is free to identify areas needing the most attention and confine its actions to those areas (Parker v. Roth, 202 Neb. 850, 278 N.W.2d 106 (1979), cert. denied, 444 U.S. 920), "they cannot take what may be termed a natural class of persons, split that class in two, and then arbitrarily designate the dissevered fractions of the original unit as two classes, and enact different rules for the government of each." State ex rel. Taylor v. Hall, 129 Neb. 669 at 683, 262 N.W. 835 at 842 (1935), quoting from State v. Julow, 129 Mo. 153, 31 S.W. 781.

We believe that if the question were raised a court would likely find the singling out of employees of the Auditor's office for additional employment rights to be unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mark D. Starr
Assistant Attorney General

MDS:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 216
March 10, 1982

Dear Senator Carsten:

It has been called to our attention that in our Opinion No. 213 to you, dated March 8, 1982, we had misinterpreted Neb.Rev.Stat. §79-2651 (Supp. 1980). We had interpreted that section to provide for the payment of 15 percent of the funds appropriated for technical community colleges to each technical community college area, making a total of 90 percent of such appropriated funds.

Upon rereading that section we realize that it provides that only 15 percent of the total fund is to be divided equally among the six technical community college areas, and the remaining 85 percent is to be distributed on the basis of audited reimbursable educational unit totals. This makes no difference as to the validity of LB 816, which was the subject of our opinion. However, our opinion had caused some confusion with administrative officials responsible for the distribution of aid to technical community college areas, and this supplemental opinion is written for the purpose of correcting that error in our previous opinion.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 217
March 12, 1982

Dear Senator Cullan:

This is in reply to your inquiry concerning the constitutionality of LB 893, which would authorize the Nebraska wheat development, utilization, and marketing board to determine a minimum price for wheat sold in the state.

In arriving at our conclusion, we call particular attention to the provisions of two sections of the bill. Section 6 provides:

> (1) The board shall fix the minimum price on all grades and types of wheat grown, bought, and sold in this state.
>
> (2) The minimum price fixed by the board shall not be less than a price determined by the product of seventy per cent of parity divided by the average county loan rate, multiplied by the county loan rate of each of the counties of the state.

(Emphasis added). With regard to the underscored provisions of section 6, section 2, the definition section of the bill, provides that "Parity shall have the same meaning as that defined by the provisions of the agricultural adjustment act, title 7, section 1301, U.S.C.A.;" and, "County loan rate shall mean that amount of money the United States Department of Agriculture will loan per bushel on wheat in each county of the state."

In other words, as we read these provisions of the bill, the wheat marketing board shall fix a minimum price on wheat of not less than seventy percent of an amount fixed by congress, divided by the average of an amount fixed by the United States Department of Agriculture, multiplied by an amount also fixed by the United States Department of Agriculture.

We also call attention to section 8 of the bill which would make it a Class IV misdemeanor for anyone to buy or sell wheat for a price less than that fixed by the board. In other words the board could vary what would constitute a Class IV misdemeanor.

In Lincoln Dairy Corporation v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960), our Supreme Court held: The Legislature may not lawfully delegate legislative powers to an administrative or executive authority." It also held: "The Legislature cannot delegate its power to create criminal offenses and prescribe penalties to an administrative or executive authority."

Aside from the question of whether or not the Legislature is directly or indirectly delegating to the congress and/or United States Department of Agriculture the ultimate authority for determining the minimum price of wheat, it does seem quite clear that the bill, by granting to the wheat board authority to determine a minimum price of wheat, and by making the sale of wheat below the price set by the board a crime, the Legislature is delegating to the wheat board its power to create a criminal offense.

It is therefore our conclusion that to the extent that the Legislature has, in LB 893, granted to the wheat board, or any federal agency, any of the referred to powers reserved to the Legislature, the bill would be constitutionally suspect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 633. Title read. Considered.

Standing Committee amendments found in the Journal on page 594 for the Twenty-Second Day were adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 31 ayes, 1 nay, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 668. Title read. Considered.

Standing Committee amendment found in the Journal on page 617 for the Twenty-Fourth Day was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 30 ayes, 2 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 708. Title read. Considered.

Standing Committee amendments, Req. #2554, found in the Journal on page 645 for the Twenty-Fifth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 751. Title read. Considered.

Standing Committee amendments, Req. #2655, found in the Journal on page 646 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 875. Title read. Considered.

Standing Committee amendments, Req. #2657, found in the Journal on page 678 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Messrs. Landis and Remmers renewed their pending amendment found in the Journal on page 1107.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 889. Placed on General File as amended.
Standing Committee amendments to LB 889:

1. On page 3, strike the new matter in lines 13 through 19.

2. On page 4, line 6, after the period insert: "Notwithstanding any other provision of sections 70-637 to 70-640, a district may, without advertising for sealed bids, purchase replacement parts and services relating to such replacement parts for any generating unit, transformer, or other transmission and distribution equipment from the original manufacturer of such equipment, upon certification by an engineer or engineers that such purchase is in compliance with standards established by the board. A written statement containing the engineer's certification and a description of the resulting purchase of replacement parts and services from the original manufacturer shall be submitted to the board at its next scheduled meeting by the engineer or engineers certifying the need for the

purchase.".

(Signed) Maurice A. Kremer, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Pirsch and Mr. Hoagland asked unanimous consent to print the following amendment to LB 948 in the Journal. No objections. So ordered.

1. On page 5, lines 11, 16, 18, 19, and 26, before "conveyance" insert "property or"; and in line 12 after "(d)" insert "or (1)(g)".

2. On page 6, lines 2, 4, 7, 8, 13, 16, and 18 before "conveyance" insert "property or"; and in line 13 after "Disposal" insert " of a conveyance"; in line 15 after the period insert "Disposal of property other than a conveyance shall be made according to subsections (5) and (6) of this section.".

3. On page 7, lines 11, 17, and 26 before "conveyance" insert "property or"; in line 9 strike the period and insert "or if it shall appear beyond a reasonable doubt that such property other than a conveyance was furnished or intended to be furnished in exchange for a controlled substance in violation of Chapter 28, article 4, was traceable to such an exchange, or was used, or intended to be used, to facilitate any violation of Chapter 28, article 4, such property shall be disposed of pursuant to subsections (5) and (6) of this section.".

4. On page 8, line 6, after "any" insert "such property or"; in line 8 after "the" insert "property or"; in line 9 strike "a" and insert "~~a~~ any such property or"; in line 16, strike "profits" and insert "property"; and in lines 2, 11, and 14 insert "property or" before "conveyance" each time it occurs.

Mr. Goodrich asked unanimous consent to print the following amendment to LB 591 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2812.)

MOTION - Reconsider LB 870

Mr. Beyer moved to reconsider LB 870.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 714. Title read. Considered.

Standing Committee amendments, Req. #2605, found in the Journal on page 710 for the Twenty-Sixth Day were considered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Standing Committee amendments were adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Fenger asked unanimous consent to withdraw his pending amendments found in the Journal on page 990 and 1051. No objections. So ordered.

Advanced to E & R for Review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

Standing Committee amendment found in the Journal on page 727 for the Twenty-Seventh Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Advanced to E & R for Review with 27 ayes, 4 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 766. Title read. Considered.

Standing Committee amendments found in the Journal on page 754 for the Twenty-Eighth Day were considered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 46 students and teachers from Hartley Elementary, Lincoln; 28 Senior Citizens from Louisville; 14 students and teacher from Hebron High School; and a group from the Nebraska State Student Association.

RECESS

At 11:56 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Goll, Marvel, and Rumery who were excused; and Messrs. Burrows, Carsten, Cullan, Haberman, Nichol, Schmit, and Warner who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 202. Title read. Considered.

Messrs. DeCamp and Beutler offered the following amendment:

1. Strike original sections 1, 2, and 7.

2. On page 5, line 1, before "A" insert "(1)"; in line 2 strike "(1)" and insert "~~(1)~~ (a)"; in line 3 strike "(2)" and insert "~~(2)~~ (b)"; in line 7 strike "(3)" and insert "~~(3)~~ (c)"; in line 14 strike "Any" and insert:

"(2) (a) Except as provided in subdivision (b) of this subsection, any"; in line 15 after the period insert:

"(b) Any person convicted of murder in the first degree shall be guilty of either a Class I or Class IA felony if he or she kills another person purposely and with deliberate and premeditated malice while legally confined in or under the care, custody, or control of a jail or correctional or penal institution. The determination of whether a murder in the first degree subject to this subdivision shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.

(3)''; in line 20 after ''murder'' insert an underscored period; and strike lines 21 and 22.

3. Insert the following new sections:

''Sec. 2. Upon application of the convicted person, a person convicted of first degree murder who has served a term of imprisonment of at least thirty years for such violation shall receive a hearing before the Board of Pardons at the first regular meeting of the board following such application, and each five years thereafter so long as he or she shall remain under the care, custody, or control of the State of Nebraska.

Sec. 6. That section 83-1,127, Revised Statutes Supplement, 1981, be amended to read as follows:

83-1,127. The Board of Pardons shall:

(1) Exercise the pardon authority as defined in section 83-170 for all criminal offenses except treason and cases of impeachment;

(2) Make rules and regulations for its own administration and operation;

(3) Appoint and remove all employees of the Board of Pardons and delegate appropriate powers and duties to them;

(4) Consult with the Board of Parole concerning applications for the exercise of pardon authority; and

(5) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the provisions of this act and section 5 of this act.

Sec. 7. That original sections 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,127, Revised Statutes Supplement, 1981, are repealed.''.

4. Renumber original sections 3 and 4 to 6 as sections 1 and 3 to 5, respectively.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Haberman requested a roll call vote on the DeCamp-Beutler amendment.

Voting in the affirmative, 26:

Apking
Beutler
Burrows
Carsten
Chambers
Cope
DeCamp
Duda
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Remmers
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 19:

Barrett
Beyer
Chronister
Clark
Cullan
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Stoney
Von Minden
Wagner

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Goll
Marvel
Rumery

The DeCamp-Beutler amendment was adopted with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Remmers asked unanimous consent to be excused. No objections. So ordered.

Messrs. Beutler and DeCamp offered the following amendment to the DeCamp-Beutler amendment:

By adding the following after the word "of" in line 14, page 1:
"any officer of the law or a"

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. H. Peterson requested a roll call vote on the Beutler-DeCamp amendment.

Voting in the affirmative, 24:

Beutler
Burrows
Carsten
Chambers
Cope
DeCamp
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Schmit
Sieck

Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Chronister
Clark
Cullan
Duda
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Stoney
Von Minden
Wagner

Excused and not voting, 4:

Goll
Marvel
Remmers
Rumery

The Beutler-DeCamp amendment lost with 24 ayes, 21 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Mrs. Marsh moved to indefinitely postpone LB 202.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 218
March 15, 1982

Dear Senator Goodrich:

You have requested our opinion concerning the provisions and interpretation of LB 202 presently pending before the Legislature. We address each inquiry separately below.

1. Your first question is whether the death penalty could properly be reserved by statute solely for those persons convicted of first degree murder while imprisoned. The Legislature may not make the death penalty *mandatory* for the commission of any criminal offense. *Woodson v. North Carolina*, 428 U.S. 280 (1976). If the Legislature perceived a rational basis for the possible imposition of the death penalty upon those imprisoned and not upon any other class of persons committing a similar homicide we are aware of no other restrictions under either our state or federal constitutions which would prohibit such legislation. However, in order for the death penalty to be properly imposed all procedures presently relating to the imposition of this penalty in our statutes would need to be retained. Neb.Rev.Stat. §§29-2519 et seq., (Reissue 1979). These sections would be repealed by the present language of LB 202.

2. You next inquire what affect the passage of §4 of LB 202 would have upon those prisoners presently under sentence of death. Section 4 provides: "This act shall apply to all cases in which judgment has not become final as of the effective date of this act."

In our opinion, passage of §4 would affect only the death sentences of those prisoners whose convictions have not completed the direct appeal process. The direct appeal process would include the original trial from which the sentence arose and the direct appeal of that conviction pursuant to Neb.Rev.Stat. §29-2528 (Reissue 1979). Section 4 would not affect the cases of those prisoners under sentence of death who are presently involved in state post conviction proceedings pursuant to Neb.Rev.Stat. §29-3001 et seq., (Reissue 1979) or attempts to acquire habeas corpus relief from the federal courts pursuant to 28 U.S.C. §2254.

3. Your third inquiry concerns whether any constitutional or statutory problems would be created for the Board of Pardons by the passage of LB 202 due to requests to commute the sentences of those prisoners under sentence of death not affected by §4. See, 2 above. We are aware of none.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) J. Kirk Brown
Assistant Attorney General

JKB:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 249.

Introduced by Wagner, 41st District; H. Peterson, 35th District; Cope, 36th District; Kremer, 34th District.

WHEREAS, Grand Island has been named an All-American City for 1981-82; and

WHEREAS, only ten such cities are so honored throughout the United States; and

WHEREAS, this is the third time Grand Island has been designated as an All-American city, having received this honor in 1957 and 1967; and

WHEREAS, the designation is made by the Citizens Forum/National Municipal League after an evaluation of current citizen action toward community self-help; and

WHEREAS, Grand Island was noted for its rehabilitation programs following the June 3, 1980, tornadoes that destroyed twenty-five per cent of the community; and

WHEREAS, this honor is a compliment to the people of Grand Island for their hard work and coordinated efforts in rebuilding their fine city after the 1980 tornadoes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Grand Island for receiving the designation as All-American city for 1981-82.
2. That the Legislature urge all Nebraskans to join in congratulating the citizens of Grand Island.
3. That the Clerk of the Legislature send a copy of this resolution to the mayor of Grand Island.

Laid over.

LEGISLATIVE RESOLUTION 250.

Introduced by Schmit, 23rd District; Wiitala, 31st District; Remmers, 1st District; Burrows, 30th District; Wagner, 41st District; R. Peterson, 21st District; Sieck, 24th District; Nichol, 48th District.

WHEREAS, agriculture is the base upon which our nation and state is founded; and

WHEREAS, American agriculture contributes one of the most basic of all human needs by providing food for the nation and the world; and

WHEREAS, agricultural products represent the overwhelming majority of American exports and help further a favorable balance of trade; and

WHEREAS, more than twenty-three million people are employed within the agricultural system; and

WHEREAS, Nebraska's economy, way of life, and the well-being of its citizens are dependent upon agriculture.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature hereby declares March 18, 1982, as Agriculture Day in the state.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

ANNOUNCEMENT

Mr. Lamb announced LB 816 be set on Special Order Thursday, March 18, 1982.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 378A. Title read. Considered.

Mr. Cullan asked unanimous consent to expedite LB 378A. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 890A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 686 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments on pages 935 to 939 of the Journal, Req. 2746, on page 8, strike beginning with "and" in line 6 through "containers" in line 10.

Mr. Warner asked unanimous consent to print the following amendment to LB 971 in the Journal. No objections. So ordered.

1. Strike the original sections and insert the following new sections:

"Section 1. Commencing July 1, 1982, county treasurers shall at the time of registration pursuant to Chapter 60, article 3, collect a three dollar and seventy-five cent highway safety fee. Such fee shall be collected for every motor vehicle, semitrailer weighing over five thousand pounds, trailer weighing over five thousand pounds, as defined in section 60-301, and school bus subject to the provisions of section 79-488, except motor vehicles and trailers registered pursuant to section 60-305.09. The highway safety fee shall be accounted for as other fees and shall be transmitted to the State Treasurer for deposit in the Protection of People and Property Cash Fund, which is hereby created. Such fund shall be used to finance the Nebraska State Patrol's protection of people and property program.

Sec. 2. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Fenger asked unanimous consent to print the following amendment to LB 714 in the Journal. No objections. So ordered.

Req. #2818

(Amendments to White Copy, Req. 2605)

1. On page 2, line 3, strike "and"; in line 7 strike the period and insert "; and"; and after line 7 insert the following new subdivision:

"(7) Family unit shall mean the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent, including a grandparent, and any siblings with whom the foster child legally resided prior to placement in foster care."; and strike beginning with "shall" in line 25 through the first "and" in line 27.

2. On page 3, line 14, strike "a" and insert "the"; and in line 15 after "child" insert "pursuant to section 12 of this act".

3. On page 4, line 9 strike "Evaluation" and insert "To the extent not prohibited by section 10 of this act, evaluation".

4. On page 5, strike beginning with "There" in line 6 through the period in line 10.

5. On page 6, strike beginning with "so" in line 7 through "act" in line 9; in line 11 strike "appropriate" and insert "state board or designated"; in line 14 after "effectuate" insert "rehabilitation of the foster child and family unit or"; strike beginning with "report" in line 15 through "child" in line 17, and insert "reports as they relate to the plan, including but not limited to, the court order and the report and recommendations of the guardian ad litem"; in line 18, strike "local" and insert "state" and after "board" insert "or designated local board"; and in line 23 after "rehabilitation" insert "of the foster child and family unit".

6. On page 7, line 7, after "review" insert "by the state board or designated local board"; in line 9

after "parents" insert "is not likely", after "or" insert "reasonable grounds exist that indicate", and strike "possible" and insert "likely"; in line 10 strike "least restrictive" and insert "most family-like"; in line 18 strike "a" and insert "the state board or the designated"; in line 20, strike "or court"; in line 21 strike "a" and insert "the state board or designated"; and in line 24 after "the" insert "state board or designated" and strike "is" and insert "the court deems".

7. On page 8, strike beginning with "and" in line 4 through "court" in line 6 and insert ". Unauthorized disclosure of such confidential records and information or any violation of the rules and regulations of the Department of Public Welfare shall be a Class III misdemeanor"; strike line 9 and insert "the person or court in charge of the child shall:"; strike beginning with "Any" in line 10 through "conduct" in line 12 and insert "Conduct"; in line 14, after "rehabilitation" insert "of the foster child and family unit"; in line 16 strike "The child shall" and insert "Require that the child"; in line 19 strike "The child shall be subject" and insert "Subject the child"; and strike beginning with "until" in line 25 through "child" in line 26.

8. On page 9, line 7, strike "and"; in line 9 strike the period and insert "; and"; and after line 9 insert the following new subdivision:

"(5) A complete record of the previous placements of the foster child."; in line 21 after the first "of" insert "the court"; in line 22, strike "proceedings under this act" and insert "court reviews"; and strike beginning with "unless" in line 26 through "appropriate" in line 27 and insert "and such notice shall be mailed no later than fourteen days before the court review".

9. On page 10, line 4, strike "and"; in line 5 after "over" insert ", (4) the foster parent or parents of the foster child, and (5) the guardian ad litem of the foster child"; and in line 8, after "criteria" insert ", including but not limited to".

GENERAL FILE

LEGISLATIVE BILL 765. Title read. Considered.

Standing Committee amendment found in the Journal on page 804 for the Thirtieth Day was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Laid over.

LEGISLATIVE BILL 611. Title read. Considered.

Standing Committee amendments found in the Journal on page 811 for the Thirty-First Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 868 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2806.)

RESOLUTION

LEGISLATIVE RESOLUTION 251.

Introduced by Wesely, 26th District.

Whereas the Lincoln Northeast High School Boys Basketball team on March 13th won the 1982 Class A Boys State Championship and finished with an outstanding season record of 23 wins and 1 loss; and,

Whereas, by winning the 1982 Tournament Northeast Coach Ed Johnson won his 7th State Championship in 32 seasons at Northeast; and,

Whereas, the Lincoln Northeast High School Girls Basketball team won second place in the 1982 Class A Girls State Tournament and finished with an outstanding season record of 19 wins and 2 losses;

NOW, THEREFORE, BE IT RESOLVED BY THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates and commends the Northeast High School Boys Basketball team and Coach Ed Johnson and his staff for winning the 1982 Class A Championship; and
2. That the Legislature congratulates and commends the Northeast High School Girls Basketball team and Coach Henry Willemsen and his staff for their second place finish in the 1982 Class A State Tournament.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 378, 435, 577, 601, 609, 634, 651, 697, 716, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 378

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 378:

1. In the Cullan numbered Select File amendments, all old matter stricken has been shown stricken and underscoring has been supplied to new matter; the figure in line 2 has been changed to words; capitalization has been supplied to "Four" and At" in amendment 3, line 1, "The" in amendment 4, line 1, and "Offering" in amendment 9, line 3; an underscored comma has been inserted after "department" in amendment 5, line 2, and "agencies" in amendment 6, line 1; in amendment 8, line 1, "(6) or (7)" has been stricken and "(5), or (6)" inserted and "(3), (7), or (8)" has been stricken and "(6), or (7)" inserted and in amendment 9, line 3, the period has been stricken and an underscored semicolon inserted.
2. In the Cullan longhand amendment, line 4, "include" has been stricken and "be accompanied by" inserted; capitalization has been supplied to "The" in line 7; and underscoring has been supplied to the period in the last line.
3. In the title, line 10, "to provide a fee;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 634

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 634:

Because of the Beutler amendment adopted 3/5, the E & R amendment has been stricken.

Enrollment and Review Changes to LB 651

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 651:

In the title, line 6, ''county school exhibits,'' has been inserted after the first comma.

(Signed) Emory P. Burnett
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 970 in the Journal. No objections. So ordered.

1. Insert the following new sections:

''Sec. 3. Each governing body, as defined in section 23-922, and the governing body of a city under home rule charter shall file with the Auditor of Public Accounts on or before September 1, 1982, a certified statement describing the general salary policy established by such governing body for its employees for such political subdivision's fiscal year 1982-83. The Auditor of Public Accounts shall notify the Director of Administrative Services by September 10, 1982, of the political subdivisions which have failed to file the statement required by this section or which have filed a statement which reflects a general salary policy which exceeds the general salary policy provided for state government employees by Legislative Bill 761, Eighty-seventh Legislature, Second Session.

Sec. 4. No payments shall be made by any state agency or official from appropriations from the General Fund to any political subdivision which has not filed the statement required under section 1 of this act or which has filed a statement which reflects a general salary policy which exceeds the general salary policy provided for state government employees by Legislative Bill 761, Eighty-seventh Legislature, Second Session. A political subdivision may qualify for payments from the General Fund by filing a new or revised general salary policy statement which reflects a general salary policy which does not exceed the general salary policy provided for state government employees by Legislative Bill 761, Eighty-seventh Legislature, Second Session.

Sec. 5. Upon receipt of the notice required pursuant to section 3 of this act, the Director of Administrative Services shall notify the political subdivision of the noncompliance with section 3 of this act and that payments to be made from appropriations from the General Fund shall be withheld from such political subdivision until such political subdivision qualifies for payments under section 4 of this act.

Sec. 6. The Auditor of Public Accounts during the course of any examination of the books, accounts, records, and financial affairs of any political subdivision, by establishing standards pursuant to section 84-304.01, or when making performance audits pursuant to section 84-304.01 shall determine whether a political subdivision which has filed a general salary policy statement under section 3 of this act is following such policy. If the auditor discovers that the stated policy is not being followed and that the employees of such political subdivision are receiving salaries which result in an actual salary policy which exceeds the general salary policy provided for state government employees by Legislative Bill 761, Eighty-seventh Legislature, Second Session, he or she shall inform the Director of Administrative Services. The Director of Administrative Services shall commence proceedings to have any payments made to the political subdivision while it was not in compliance returned.

Sec. 7. No payments shall be made by the Department of Public Welfare to any vendor for services provided to public assistance recipients, if such payments would result in a payment in excess of the average fee paid for such service to such vendors for fiscal year 1981-82 increased by three and seventy-five hundredths per cent.".

2. Renumber remaining sections accordingly.

VISITORS

Visitors to the Chamber were Professor Aubrey Diamond from Britain; Martin Shultz from Schuyler; and Harold Augustine from Lincoln.

ADJOURNMENT

At 4:34 p.m., on a motion by Mr. Stoney, the Legislature adjourned until 9:00 a.m., Tuesday, March 16, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 16, 1982

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 16, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 16, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Lamb presiding.

PRAYER

The prayer was offered by Rev. William A. Beatty, First Covenant Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Rumery who were excused; and Messrs. Chambers, Koch, Nichol, Schmit, Vickers, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

MESSAGE FROM THE GOVERNOR

March 16, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 215, 410, and 417 were received in my office on March 11, 1982.

These bills were signed by me on March 15, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTION

LEGISLATIVE RESOLUTION 252.

Introduced by Beyer, 3rd District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Gretna High School Dragons won the Class B Championship at the Boy's State High School Basketball Tournament this year; and

WHEREAS, the members of the Gretna High School boy's basketball team are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Gretna High School boy's basketball team.

2. That the Legislature congratulates and extends best wishes to the 1982 Class B boy's high school basketball champions and their coach Tim Hoffman.

Laid over.

MOTION - Approve Appointments

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1076: Harold Peterson, Babette Prostok, and Merle Kingsbury.

Voting in the affirmative, 36:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Landis
Marsh

Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 0.

Present and not voting, 5:

Dworak
Goodrich
Higgins
Kilgarin
Lamb

Excused and not voting, 8:

Chambers
Koch
Marvel
Nichol
Rumery
Schmit
Vickers
Wesely

The appointments were confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1152: Guy F. (Jeff) Bush and Reed Gilmore.

Voting in the affirmative, 38:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Goodrich
Higgins
Kilgarin
Lamb

Excused and not voting, 7:

Chambers
Koch
Marvel
Nichol
Rumery
Schmit
Wesely

The appointments were confirmed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 267.

A BILL FOR AN ACT relating to evidence; to prohibit the introduction of certain proceedings and records by peer review committees; and to provide an exception.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Chambers
Koch
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 383 to Select File

Mr. Nichol moved to return LB 383 to Select File for his specific amendment found in the Journal on page 1014.

The motion to return prevailed with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 383. The Nichol specific amendment found in the Journal on page 1014 was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 702. With Emergency.

A BILL FOR AN ACT to amend sections 45-137 and 45-138, Revised Statutes Supplement, 1980, relating to interest; to change provisions relating to loan charges as prescribed; to harmonize provisions; to change provisions relating to maturity dates and payment schedules; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 5:

Burrows
Chambers
Cullan
Higgins
Warner

Present and not voting, 1:

Schmit

Excused and not voting, 2:

Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 717. With Emergency.

A BILL FOR AN ACT to amend section 81-1429, Revised Statutes Supplement, 1981, relating to law enforcement; to increase a fee; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 34:

Beyer
Carsten
Chronister
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 11:

Apking
Barrett
Chambers
Clark
DeCamp
Haberman
Johnson, V.
Landis
Newell
Schmit
Wesely

Present and not voting, 2:

Beutler
Burrows

Excused and not voting, 2:

Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 449 to Select File

Mr. Vickers moved to return LB 449 to Select File for the specific amendment found in the Journal on page 1066.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 9 nays, and 10 not voting.

Mr. Koch requested a record vote on the motion to return.

Voting in the affirmative, 22:

Apking
Barrett
Burrows
Chronister
Clark
DeCamp
Dworak
Fowler
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Newell
Remmers
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 25:

Beutler
Beyer
Carsten
Chambers
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Schmit
Stoney
Wiitala

Excused and not voting, 2:

Marvel
Rumery

The Vickers motion to return lost with 22 ayes, 25 nays, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 449. With Emergency.

A BILL FOR AN ACT relating to optometry; to amend section 71-1,136.03, Reissue Revised Statutes of Nebraska, 1943, section 71-133, Revised Statutes Supplement, 1980, and sections 71-162, 71-2610, and 81-196, Revised Statutes Supplement, 1981; to change provisions relating to the Board of Examiners in Optometry; to provide duties; to change provisions relating to examinations; to change fees as prescribed; to state intent; to provide duties for the State Board of Health; to provide for the continuation of the Board of Examiners in Optometry; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 547

Mr. Chambers asked unanimous consent to withdraw his pending amendment to LB 547 found in the Journal on page 1120. No objections. So ordered.

MOTION - Return LB 547 to Select File

Mr. Chambers moved to return LB 547 to Select File for the following specific amendment:

P. 13, line 17: after "shall", insert "not".
lines 19, 20, strike: "with intent to deceive".

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 458. Mr. Fowler requested to have LB 458 passed over.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 854. Title read. Considered.

Standing Committee amendment found in the Journal on page 805 for the Thirtieth Day was considered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Standing Committee amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 6 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 854A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 675. Title read. Considered.

Standing Committee amendment found in the Journal on page 812 for the Thirty-First Day was considered.

Laid over.

MR. CLARK PRESIDING

LEGISLATIVE BILL 895. Title read. Considered.

Standing Committee amendments, Req. #2710, found in the Journal on page 826 for the Thirty-Second Day were adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Laid over.

LEGISLATIVE BILL 909. Title read. Considered.

Standing Committee amendments, Req. #2707, found in the Journal on page 832 for the Thirty-Second Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Standing Committee amendments, Req. #2719, found in the Journal on page 840 for the Thirty-Second Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

1. In the Beutler/DeCamp amendment on pages 1167 and 1168 of the Journal, amendment number 2, line 10, after "if" insert "in committing the act for which he or she is convicted of murder in the first degree" and after "she" insert "(i)"; in line 13 after "institution" insert "or during a period of unlawful escape from such confinement, care, custody, or control, or (ii) kills a peace officer. For purposes of this section, a person shall be deemed to be under the care, custody, or control of a jail or correctional or penal institution when he or she is subject to legal confinement but such person is outside the physical confines of the jail or correctional or penal institution for the purpose of medical or mental health examination, medical or mental health treatment, transportation, or any other legally authorized purpose"; and in amendment 3, line 8, after "remain" insert "in confinement or".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 202 in the Journal. No objections. So ordered.

Req. #2681

1. Strike sections 1 and 2.

2. On page 5, line 1, after the period insert the following new subsection:

“(1) A person commits murder in the first degree if he or she kills another person (a) for hire, or for pecuniary gain, or the defendant hires another to commit the murder for the defendant, including but not limited to, murder as a result of a kidnapping or robbery, (b) while he or she is serving a sentence in a jail or a penal institution, or (c) after he or she has been convicted of one or more previous murders each arising from a separate set of circumstances. The determination of whether murder in the first degree pursuant to this subsection shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.”; in line 5 before “A” insert “(2)”; in line 2 strike “(1)” and insert “~~(1)~~ (a)”; in line 3 strike “(2)” and insert “~~(2)~~ (b)”; in line 7 strike “(3)” and insert “~~(3)~~ (c)”; in line 15 after “degree” insert “pursuant to this subsection”; and strike beginning with “The” in line 15 through the period in line 22.

3. Strike original sections 5 to 7 and insert the following new sections:

“Sec. 3. That section 29-2519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2519. The Legislature hereby finds that it is reasonable and necessary to establish mandatory standards for the imposition of the sentence of death; that the imposition of the death penalty in every instance of the commission of the crimes specified in subsection (1) of section 28-303 fails to allow for mitigating factors which may dictate against the penalty of death; and that the rational imposition of the death sentence requires the establishment of specific legislative guidelines to be applied in individual cases by the court. The Legislature therefore determines that the death penalty should be imposed only for the crimes set forth in subsection (1) of section 28-303 and, in addition, that it shall only be imposed in those instances when the aggravating circumstances existing in connection with the crime outweigh the mitigating circumstances, as set forth in sections 29-2520 to 29-2524.

Sec. 4. That section 29-2520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2520. Whenever any person is found guilty of a violation of subsection (1) of section 28-303, the district court shall within seven days fix a date for hearing on determination of the sentence to be imposed. Such determination shall be made by: (1) The judge who presided at the trial or who accepted the plea of guilty; (2) a panel of three judges including the judge who presided or accepted the plea, the two additional judges having been designated by the Chief Justice of the Supreme Court after receiving a request therefor from the presiding judge; or (3) a panel of three district judges named by the Chief Justice of the Supreme Court when such Chief Justice has determined that the presiding judge is disabled or disqualified after receiving a suggestion of such disability or disqualification from the clerk of the court in which the finding of guilty was entered.

Sec. 5. That section 29-2523, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2523. The aggravating and mitigating circumstances referred to in sections 29-2521 and 29-2522 shall be as follows:

(1) Aggravating Circumstances:

(a) The offender was previously convicted of ~~another murder or~~ a crime involving the use or threat of violence to the person, or has a substantial history of serious assaultive or terrorizing criminal activity;

(b) The murder was committed in an apparent effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of a crime;

~~(c) The murder was committed for hire, or for pecuniary gain, or the defendant hired another to commit the murder for the defendant;~~

~~(d)~~ (c) The murder was especially heinous, attrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence;

~~(e)~~ (d) At the time the murder was committed, the offender also committed another murder;

~~(f)~~ (e) The offender knowingly created a great risk of death to at least several persons;

~~(g)~~ (f) The victim was a law enforcement officer or a public servant having custody of the offender or another; or

~~(h)~~ (g) The crime was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of the laws.

(2) Mitigating Circumstances:

(a) The offender has no significant history of prior criminal activity;

(b) The offender acted under unusual pressures or influences or under the domination of another person;

(c) The crime was committed while the offender was under the influence of extreme mental or emotional disturbance;

(d) The age of the defendant at the time of the crime;

(e) The offender was an accomplice in the crime committed by another person and his or her participation was relatively minor;

(f) The victim was a participant in the defendant's conduct or consented to the act; or

(g) At the time of the crime, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired as a result of mental illness, mental defect, or intoxication.

Sec. 6. That section 29-2524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2524. Nothing in sections 24-342, ~~28-303,~~ 28-313, 29-2519 to 29-2546, and sections 29-2521.01 to 29-2521.04 and subsection (1) of section 28-303 shall be in any way deemed to repeal or limit existing procedures for automatic review of capital cases, nor shall it in any way limit the right of the Supreme Court to reduce a sentence of death to a sentence of life imprisonment in accordance with the provisions of section 29-2308, nor shall it limit the right of the Board of Pardons to commute any sentence of death to a sentence of life imprisonment.

Sec. 8. That original sections 28-303, 29-2519, 29-2520, 29-2523, and 29-2524, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Renumber original sections 3 and 4 as sections 2 and 7 respectively.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 378A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

GENERAL FILE

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendments, Req. #2683, found in the Journal on page 866 for the Thirty-Third Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 688. Title read. Considered.

Standing Committee amendment found in the Journal on page 874 for the Thirty-Third Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Advanced to E & R for Review with 26 ayes, 9 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Section 1. That section 39-664, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-664. (1) ~~The speed of any motor vehicle may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of the vehicle in any court or legal proceedings when the speed of the vehicle is at issue.~~ Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the state may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle the state must prove the following:

(a) That the measuring device was in proper working order at the time of conducting the measurement;

(b) That the measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

(c) That the person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device;

(d) That the operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, based upon a machine measurement utilizing such device at or near the situs of the arrest, and that the measuring device was found to be in proper working order;

(2) The driver of any motor vehicle ~~found~~ measured by use of radio microwaves or other electronic device to be driving in excess of the applicable speed limit may be apprehended:

(a) If the apprehending officer has observed the recording of the speed of the motor vehicle by the radio microwaves or other electronic device;

(b) If such apprehending officer has received a radio message from an officer who observed the speed recorded and the radio message (i) has been dispatched immediately after the speed of the motor vehicle was recorded, and (ii) gives a description of the vehicle and its recorded speed; and

(c) If the apprehending officer is in uniform or displays his or her badge of authority.".

2. On page 6, line 13, after "section" insert "39-664, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 14, strike "is" and insert "are".

3. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

Req. #2816

1. Strike the standing committee amendment.

2. Strike the original section and insert the following new section:

"Section 1. (1) Within seven days following discharge or release from confinement in a hospital, skilled nursing facility, or intermediate care facility one as defined in section 71-2017.01, or within seven days after the earliest date at which the loss or expense from the confinement or service may be determined, which in the case of long-term confinement may be the monthly charge, the hospital, skilled nursing facility, or intermediate care facility one providing the service shall submit to the patient, or to his or her survivor or legal guardian, as may be appropriate, an itemized statement detailing in language comprehensible to an ordinary layperson the specific nature of charges or expenses incurred by the patient. In the initial billing the itemized statement shall contain a statement of specific services received and expenses incurred for each such item of service, enumerating in detail the constituent components of the services received within each department of the hospital, skilled nursing facility, or intermediate care facility one and including unit-price data on rates charged by the hospital, skilled nursing facility, or intermediate care facility one as may be prescribed by the department.

(2) Each statement shall:

(a) Not include charges of hospital-based or facility-based physicians if billed separately;

(b) Not include any generalized category of expenses such as other, miscellaneous, or the like;

(c) List drugs by brand or generic name and not refer to drug code numbers when referring to drugs of any sort;

(d) Not refer to code numbers for any service; and

(e) Specifically identify therapy treatment as to the date, type, and length of treatment when therapy treatment is a part of the statement.

The person receiving a statement pursuant to this section shall be fully and accurately informed as to each charge and service provided by the institution preparing the statement.

(3) On a monthly two per cent random-sample basis, the hospital, skilled nursing facility, or intermediate care facility one shall cause a copy of the itemized bill to be given to the patient's physician who shall respond as to its accuracy of services ordered and rendered. Such itemized bill and physician response shall be maintained on file by such hospital or facility for three years for review by the department.

(4) In any billing for services provided by a hospital, skilled nursing facility, or intermediate care facility one as defined in section 71-2017.01, subsequent to the initial billing for such services, the patient or

his or her survivor or legal guardian may elect, at his or her option, to receive a copy of the detailed statement of specific services received and expenses incurred for each such item of service as provided in subsection (1) of this section.

(5) No physician, hospital, skilled nursing facility, or intermediate care facility one may add to the price charged by any third party except for a service or handling charge representing a cost actually incurred as an item of expense; however, the physician, hospital, skilled nursing facility, or intermediate care facility one is entitled to fair compensation for all professional services rendered. The amount of the service or handling charge, if any, shall be set forth clearly in the bill to the patient.

(6) The provisions of this section shall not apply to state hospitals administered by the Department of Public Institutions.".

GENERAL FILE

LEGISLATIVE BILL 896. Title read. Considered.

Standing Committee amendments, Req. #2717, found in the Journal on page 874 for the Thirty-Third Day were adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Laid over.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 799. Title read. Considered.

Standing Committee amendments found in the Journal on page 885 for the Thirty-Fourth Day were considered.

Mr. Koch renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1052.

The Koch amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were Carson Rogers and daughter Regina from Ord; Bill Martin from Denver; Bob Kutz from Grand Island; Del Harsh and Ken Harseh from Cambridge; 42 eleventh and twelfth grade students and teacher from Tekamah-Herman high school; Cecelia Knutson from Bellevue; and 43 students and instructor from Central High, Omaha.

RECESS

At 11:56 a.m., on a motion by Mr. Stoney, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Rumery who were excused; and Messrs. Beutler, Burrows, DeCamp, Fowler, Haberman, Kahle, Kremer, Lamb, Newell, Remmers, Schmit, Von Minden, Warner, Wesely, Mesdames Higgins, Labedz, Marsh, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 868. Title read. Considered.

Standing Committee amendments, Req. #2713, printed separate from the Journal and referred to on page 910 were considered.

Mr. Landis renewed his pending amendment, Req. #2806, to the Standing Committee amendments, printed separate from the Journal and referred to on page 1176.

The Landis amendment was adopted with 18 ayes, 0 nays, 11 present and not voting, and 20 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 602. Title read. Considered.

Standing Committee amendments found in the Journal on page 923 for the Thirty-Fifth Day were adopted with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Apking
Barrett
Beutler
Burrows
Chambers
Cullan
Duda
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Beyer
Carsten
Chronister
Clark
Cope
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Warner

Present and not voting, 3:

Dworak
Goll
Kremer

Excused and not voting, 3:

DeCamp
Marvel
Rumery

Advanced to E & R for Review with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 686. Title read. Considered.

Standing Committee amendments, Req. #2746, found in the Journal on page 935 for the Thirty-Fifth Day were considered.

Mr. Fenger renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1173.

The Fenger amendment was adopted with 21 ayes, 0 nays, 25 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Schmit renewed his pending amendment, Req. #2715, found in the Journal on page 854.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beyer renewed his pending amendment found in the Journal on page 1024.

The amendment lost with 18 ayes, 10 nays, 18 present and not voting, and 3 excused and not voting.

Laid over.

LEGISLATIVE BILL 787. Title read. Considered.

Standing Committee amendments, Req. #2741, found in the Journal on page 946 for the Thirty-Fifth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 816A. By Revenue Committee: Carsten, 2nd District, Chairperson; Hefner, 19th District; Newell, 13th District; V. Johnson, 8th District; H. Peterson, 35th District.
This bill introduced on behalf of: LB 816.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 591. Title read. Considered.

Mr. H. Peterson offered the following amendment:
Add all First Class Cities to the bill.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. H. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Chronister
Clark
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Labedz
Landis
Nichol
Peterson, H.
Pirsch
Sieck
Stoney
Von Minden
Wesely

Voting in the negative, 19:

Apking
Barrett
Beyer
Burrows
Carsten
Cope
Kahle
Kilgarin
Koch
Kremer
Lamb
Marsh
Newell
Remmers
Schmit
Vickers
Wagner
Warner
Wiitala

Present and not voting, 2:

Beutler
Peterson, R.

Excused and not voting, 2:

Marvel
Rumery

Absent and not voting, 1:

Chambers

The H. Peterson amendment was adopted with 25 ayes, 19 nays, 2 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment:

Add second class cities and villages to LB 591.

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

1. Insert the following new sections:

"Sec. 21. This act shall become operative on July 1, 1982.

Sec. 23. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Strike committee amendment 5 found on page 946 of the Journal.

3. Renumber remaining sections accordingly.

Mr. Kremer asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

In the Kremer amendments, page 5, line 9, insert "in lieu of the words Cornhusker State on plates issued pursuant to subsection (2) of section 60-311" after "HIRE".

Mr. Kremer asked unanimous consent to print the following amendment to LB 694 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments found on page 799 of the Journal, on page 1, line 8, strike "vehicles used for harvesting or" and insert "loaded or unloaded livestock forage vehicles which comply with subsection (2) of section 39-6,100".

Miss Kilgarin asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

Req. #2591

1. On page 2, line 8, after "protection" insert "and a stable living environment".

2. Insert the following new sections:

"Sec. 9. That section 43-258, Revised Statutes Supplement, 1981, be amended to read as follows:

43-258. (1) Pending the adjudication of any case under sections 43-245 to 43-2,129 the court may order the juvenile examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining (a) a material allegation in the petition relating to the juvenile's physical or mental condition, (b) the juvenile's competence to participate in the proceedings, (c) the juvenile's responsibility for his or her acts, or (d) whether or not to provide emergency medical treatment.

(2) Pending the adjudication of any case under sections 43-245 to 43-2,129 and after a showing of probable cause that the juvenile is within the court's jurisdiction, for the purposes of subsection (1) of this section, the court may order such juvenile to be placed in one of the facilities or institutions of the State of Nebraska. Such juvenile shall not be placed in an adult penal institution, either of the youth development centers, or the Nebraska Center for Children and Youth, except as provided in section 43-913. Any placement for evaluation may be made on an inpatient or outpatient basis for a period not to exceed thirty days. The head of any facility or institution shall make a complete evaluation of the juvenile, including any authorized area of inquiry requested by the court.

(3) Upon the expiration of the commitment period or such additional periods as the court may authorize, which shall not exceed thirty days each, the juvenile shall be returned to the court together with a written report of the results of the evaluation. Such evaluation shall include an assessment of the basic needs of the juvenile and recommendations for continuous and long-term care and shall be made to effectuate the purposes in subdivision (1) of section 43-246.

(4) In order to encourage the use of the procedure provided in this section, all costs incurred during the period the juvenile is being evaluated at a state facility or institution shall be the responsibility of the state. The county in which the case is pending shall be liable only for the cost of delivering the juvenile to the facility or institution and the cost of returning him or her to the court for disposition.

Sec. 17. That section 43-285, Revised Statutes Supplement, 1981, be amended to read as follows:

43-285. In any case when the court shall award a juvenile to the care of the Department of Public Welfare, an association, or individual, in accordance with the provisions of sections 43-245 to 43-2,129, the juvenile shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care he or she is committed, which association and Department of Public Welfare shall have authority by and with the assent of the court to place such a juvenile in a suitable family home or institution. Such guardianship shall not include the guardianship of any estate of the juvenile. Within thirty days after such order, and once every six months thereafter until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246.".

3. On page 13, strike beginning with "At" in line 24 through "the" in line 25, show as stricken, and insert "The".

4. On page 15, line 8, strike "in" and insert "at the commencement of"; and in line 12 after "to" insert an underscored comma.

5. On page 16, line 10, after "include" insert "(i) visitation with the juvenile within two weeks after the appointment and once every six months thereafter and (ii)"; in line 17 strike "cross examine" and insert "cross-examine"; in line 20 strike "and"; and in line 22 after "case" insert "; and (h) may file a petition in the juvenile court on behalf of the juvenile".

6. On page 27, line 18, after 43-256," insert "43-258,"; and in line 19 after "43-281," insert "43-285,".

7. Renumber original sections 9 to 15 and 16 to 20 as sections 10 to 16 and 18 to 22, respectively.

RESOLUTIONS

LEGISLATIVE RESOLUTION 229. Read. Considered.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 10 nays, and 19 not voting.

Mr. Warner offered the following amendment:
Amend LR 229 to strike 1982 in Resolve #2.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

Mr. Wesely requested a roll call vote on the Warner amendment.

Voting in the affirmative, 25:

Beutler
Carsten
Clark
Cope
Cullan
Duda
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Barrett
Beyer
Burrows
Chronister
DeCamp
Fenger
Goll
Haberman
Johnson, L.
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Von Minden
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Marvel
Rumery

Absent and not voting, 2

Goodrich
Hefner

The Warner amendment was adopted with 25 ayes, 19 nays, 1 present and not voting, 2 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. H. Peterson moved to indefinitely postpone LR 229.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 12 ayes, 3 nays, 34 not voting.

Mr. H. Peterson requested a roll call vote on his motion to indefinitely postpone LR 229.

Voting in the affirmative, 26:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Vickers
Von Minden
Wagner

Voting in the negative, 20:

Beutler
Burrows
Chambers
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Sieck
Stoney
Warner
Wesely
Wiitala

Excused and not voting, 3:

Higgins
Marvel
Rumery

The H. Peterson motion to indefinitely postpone LR 229 prevailed with 26 ayes, 20 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 236. Read. Considered.

Mr. DeCamp moved to indefinitely postpone LR 236.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?"

Mr. L. Johnson moved for a Call of the House. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 15 nays, 4 present and not voting, and 4 excused and not voting.

The DeCamp motion to indefinitely postpone LR 236 prevailed with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mrs. Apking asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE RESOLUTION 240. Read. Considered.

Mr. Koch moved to indefinitely postpone LR 240.

Mr. Hefner and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch requested a record vote on his motion.

Voting in the affirmative, 28:

Barrett
Beutler
Burrows
Carsten
Cope
Cullan
Duda
Dworak
Fowler
Goll
Goodrich
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Remmers
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 10:

Beyer
Chronister
DeCamp
Fenger
Haberman
Lamb
Nichol
Peterson, H.
Peterson, R.
Von Minden

Present and not voting, 4:

Chambers
Clark
Johnson, L.
Kremer

Excused and not voting, 7:

Apking
Hefner
Higgins
Marvel
Pirsch
Rumery
Schmit

The Koch motion to indefinitely postpone LR 240 prevailed with 28 ayes, 10 nays, 4 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 259 in the Journal. No objections. So ordered.

1. In the Koch amendment, on page 949 of the Journal, in lines 2 and 3 strike "Class I, II, III, and VI" and insert "any"; in line 3 strike "districts" and insert

"district"; and in line 15, strike "Class I, II, III, or VI".

Messrs. Remmers and Sieck asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

(Amendments to Req 2652)

1. On page 2, line 1, after "that" insert "(a)"; and in line 4 after "school" insert "and (b) the teachers retained or employed to teach kindergarten through grade nine have completed sixty college semester credit hours or the equivalent thereto and the teachers retained or employed to teach grades ten through twelve have completed one hundred twenty college semester credit hours or the equivalent thereto".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 259, 642, 644, 678, 696, 767, 767A, 775, 776, 828, and 845.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 259

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 259:

In the Koch amendment, line 13, an underscored comma was added after "III".

Enrollment and Review Changes to LB 776

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 776:

1. On page 3, line 7, an underscored comma has been inserted after "notes".
2. In the title, line 5, after the second comma insert "certificates of indebtedness,".

(Signed) Emory P. Burnett
E & R Attorney

VISITORS

Visitors to the Chamber were Bart Chandler from Auburn; Mr. and Mrs. Tom Witt from Pender; 38 students and teacher from Elgin; and Mr. and Mrs. Serge Legoff from France.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Wednesday, March 17, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 17, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 17, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Monsignor Charles Keenan, Blessed Sacrament Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Duda and Marvel; and Messrs. Burrows, Chambers, Haberman, Kahle, Rumery, Schmit, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1171, in Resolution 249, line 38, strike "1957" and insert "1955".
The Journal for the Forty-Second Day was approved as corrected.
The Journal for the Forty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendments to LB 573:

1. In S. C. amendments, page 3, insert an underscored comma after "If" in lines 10 and 16 and "change" in line 18.
2. In S. C. amendments, on page 4, line 5, strike the second comma and show stricken.
3. In the title, line 2, strike "75-109" and insert "75-609"; in line 3, insert "and section 75-610, Revised Statutes Supplement, 1980," after the second comma; in line 5 strike the semicolon and insert "as prescribed; to provide a penalty;"; and in line 6 strike

"section" and insert "sections".

LEGISLATIVE BILL 633. Placed on Select File as amended.
E & R amendments to LB 633:

1. On page 4, line 18, strike the comma.
2. In the title, line 4, strike "common carriers" and insert "telephone companies".

LEGISLATIVE BILL 668. Placed on Select File.

LEGISLATIVE BILL 708. Placed on Select File as amended.
E & R amendments to LB 708:

1. In S. C. amendments, page 3, line 9, strike "strata" and insert "stratum".
2. In the title, line 4, strike "a term" and insert "terms".

LEGISLATIVE BILL 751. Placed on Select File as amended.
E & R amendment to LB 751:

1. In the title, line 2, strike "section 45-190" and insert "sections 45-190 and 59-1617"; in line 4 insert "to provide that loan brokers are subject to Chapter 59, article 16;" after the semicolon; and in line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 875. Placed on Select File as amended.
E & R amendments to LB 875:

1. In the Landis & Remmers amendments, "an" has been inserted after the comma in line 9.
2. In the title, line 2, strike "section" and insert "sections 16-674 and"; in lines 3 and 4, strike "of the second class"; in lines 4 and 5 strike "a provision" and insert "provisions"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 714. Placed on Select File as amended.
E & R amendments to LB 714:

1. In S. C. amendments, page 4, line 10, strike "in" and insert "on".
2. In S. C. amendments, page 9, line 17, insert "issue" after "or".

LEGISLATIVE BILL 790. Placed on Select File.
LEGISLATIVE BILL 766. Placed on Select File.
LEGISLATIVE BILL 890A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 579. With Emergency.

A BILL FOR AN ACT to amend section 60-311.12, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.10, Revised Statutes Supplement, 1980, relating to motor vehicles; to provide prestige license plates for certain vehicles; to change provisions relating to fees for such plates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Haberman
Sieck
Warner

Excused and not voting, 7:

Burrows
Chambers
Duda
Kahle
Marvel
Rumery
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 662.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1981, relating to fees; to change provisions relating to fees allowed sheriffs as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Dworak

Excused and not voting, 5:

Burrows
Chambers
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 677 to Select File

Mrs. Pirsch moved to return LB 677 to Select File for the following specific amendment:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The motion to return prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 677. The Pirsch specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 718.

A BILL FOR AN ACT relating to the Supreme Court; to eliminate general terms of court and certain quorum requirements; and to repeal sections 24-205 and 24-207, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Remmers
Schmit

Excused and not voting, 5:

Burrows
Chambers
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 719.

A BILL FOR AN ACT to amend section 33-103, Reissue Revised Statutes of Nebraska, 1943, relating to fees; to change certain provisions relating to fees for proceedings in the Supreme Court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 5:

Burrows
Chambers
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 728. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions relating to licensed and bonded storage areas and warehouses; to repeal a tax exemption of certain personal property; to amend section 77-2706, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to repeal the original section, and also sections 77-1225, 77-1226.02 to 77-1226.04, and 77-1227, Reissue Revised Statutes of Nebraska, 1943, and section 77-1226.01, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 5:

Burrows
Chambers
Duda
Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 729.

A BILL FOR AN ACT to amend section 23-1731, Reissue Revised Statutes of Nebraska, 1943, relating to county sheriffs; to change the authorized probationary period for deputies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner

Wesely	Wiitala

Voting in the negative, 1:

Newell

Present and not voting, 1:

Sieck

Excused and not voting, 5:

Burrows	Chambers	Duda	Marvel	Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 778 to Select File

Mr. H. Peterson moved to return LB 778 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. H. Peterson asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 778. With Emergency.

A BILL FOR AN ACT to amend section 45-101.03, Revised Statutes Supplement, 1980, relating to interest; to provide for variable interest rates on certain loans; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Apking	Chronister	Dworak	Haberman	Johnson, V.
Barrett	Clark	Fenger	Hefner	Kilgarin
Beutler	Cope	Fowler	Higgins	Koch
Beyer	Cullan	Goll	Hoagland	Kremer
Carsten	DeCamp	Goodrich	Johnson, L.	Labedz

Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Kahle
Sieck

Excused and not voting, 5:

Burrows
Chambers
Duda
Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 127 to Select File

Mr. Kahle moved to return LB 127 to Select File for the following specific amendment:

Strike new language on Page 16 lines 13 and 14 and reinstate old language on lines 14, 15 and 16.

The motion to return prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 127. The Kahle specific amendment found in this day's Journal was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 606.

A BILL FOR AN ACT to amend section 71-1344, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Health; to allow the department to audit certain trust funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'".

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Johnson, V.

Excused and not voting, 4:

Burrows
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 630. With Emergency.

A BILL FOR AN ACT relating to land reutilization authorities; to amend sections 77-1913 and 77-3211, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to cancellation of tax bills as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Apking
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.

Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Schmit

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Burrows
Duda
Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 654

Mr. Lamb asked unanimous consent to withdraw his pending amendment to LB 654 found in the Journal on page 561. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 654.

A BILL FOR AN ACT to amend section 79-325, Reissue Revised Statutes of Nebraska, 1943, relating to education; to authorize an employment contract with the Commissioner of Education as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Burrows
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. LAMB PRESIDING

LEGISLATIVE BILL 692.

A BILL FOR AN ACT to amend section 16-695, Reissue Revised Statutes of Nebraska, 1943, and section 17-950, Revised Statutes Supplement, 1980, relating to cities and villages; to remove a limitation on the issuance of bonds for certain public improvements; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Clark

Excused and not voting, 4:

Burrows
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 703. With Emergency.

A BILL FOR AN ACT to amend section 23-343.14, Reissue Revised Statutes of Nebraska, 1943, and section 23-343.01, Revised Statutes Supplement, 1981, relating to county hospitals; to change provisions relating to interest on warrants; to provide for contents of reports; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Burrows
Duda
Marvel
Rumery

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MR. CLARK PRESIDING

LEGISLATIVE BILL 801.

A BILL FOR AN ACT to amend section 48-647, Reissue Revised Statutes of Nebraska, 1943, section 48-625, Revised Statutes Supplement, 1980, and sections 48-628, 48-628.02, and 48-628.03, Revised Statutes Supplement, 1981, relating to employment security; to change provisions relating to qualifications for benefits; to change provisions relating to the computations of benefits; to redefine terms; to change provisions relating to extended benefits; to provide for payment of child support from benefits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Apking
Barrett
Beutler
Beyer
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Chambers
DeCamp
Hoagland
Johnson, V.
Kilgarin
Kremer
Landis
Vickers

Excused and not voting, 5:

Burrows
Chronister
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT to amend sections 71-2023 and 71-2024, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to abolish the Advisory Council on Hospital and Medical Facilities; to change certain provisions relating to the Department of Health; and to repeal the original sections, and also section 71-2025, Reissue Revised Statutes of Nebraska, 1943, and section 71-2005, Revised Statutes Supplement, 1981.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 43:

Apking
Barrett
Beyer
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Burrows
Chronister
Duda
Marvel
Rumery

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Koch asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 421 to Select File

Messrs. Landis and Schmit moved to return LB 421 to Select File for the specific amendment found in the Journal on page 1093.

The motion to return prevailed with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. The Landis-Schmit specific amendment found in the Journal on page 1093 was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment

MR. LAMB PRESIDING

UNANIMOUS CONSENT - Print in Journal

Mr. Chronister asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

1. On page 2, line 15, strike "body" and insert "urine"; in line 16 strike "fluid"and after the first comma insert "and"; strike beginning with the second comma in line 16 through "71-101" in line 20; in line 26 after the second comma insert "and"; and in line 27, strike the underscored comma and insert ";".

2. On page 3, strike beginning with "by" in line 1 through "or" in line 3.

GENERAL FILE

LEGISLATIVE BILL 202. Considered.

Mrs. Marsh asked unanimous consent to withdraw her pending motion to indefinitely postpone LB 202 found in the Journal on page 1170. No objections. So ordered.

Messrs. Haberman, Hefner, and Mrs. Labedz moved to indefinitely postpone LB 202.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on the indefinitely postpone motion.

Voting in the affirmative, 26:

Apking
Barrett
Beutler
Beyer
Clark
Cullan
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner

Voting in the negative, 16:

Carsten
Cope
DeCamp
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Burrows
Chronister
Duda
Koch
Marvel
Rumery

The Haberman-Hefner-Labedz motion to indefinitely postpone LB 202 prevailed with 26 ayes, 16 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

1. Page 11, line 13, following "office", strike the semi-colon and insert: "or to influence legislation;"

Mr. Fowler asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

1. On page 42, after line 4, insert:

"In addition to the amounts appropriated in this section, four thousand two hundred twenty-four dollars are hereby appropriated for the salaries of the three student body presidents of the University of Nebraska from student fee cash funds for their services as student body presidents. One thousand four hundred eight dollars shall be appropriated to each student body president of the University of Nebraska at Lincoln, the University of Nebraska at Omaha, and the University of Nebraska Medical Center.”.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 208, 720, and 796.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 208

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 208:

1. In the Koch amendments, page 1, line 21, “in” has been stricken and on “on” inserted; and in line 22 “that” has been inserted after “prove”; on page 2, line 1, “between” has been stricken and “of” inserted; on page 8, line 9, the comma has been stricken; and on page 9, line 3, the first “county” has been stricken and “court” inserted; and in line 8, the comma has been stricken.
2. Old matter stricken by the Vickers, et al, amendment has been shown stricken; and in the last line of the amendment “above” has been stricken and “in this section” inserted.
3. In the title, line 2, “section 79-403” has been stricken and “sections 79-403 and 79-1108” inserted; in line 7 “to limit the transportation allowance in prescribed situations;” has been inserted after the semicolon and “section,” has been stricken and “sections.” inserted; and lines 8 to 11 have been stricken.

Enrollment and Review Changes to LB 720

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 720:

1. In the title, line 3, “and section 25-1912, Revised Statutes Supplement, 1981,” has been inserted after the second comma; in line 4 “conciliation court;” has been stricken and “courts; to change provisions respecting motions for new trial;” inserted; and in line 7 “section” has been stricken and “sections” inserted.

(Signed) Emory P. Burnett
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 591. Considered.

Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1200. No objections. So ordered.

Mr. Vickers offered the following amendment:
Strike the H. Peterson amendment adopted on 3-16-82.

MR. KAHLE PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. H. Peterson requested a roll call vote on the Vickers amendment.

Voting in the affirmative, 24:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Dworak
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Marsh
Newell
Remmers
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 15:

Clark
Cope
Cullan
DeCamp
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Labedz
Lamb
Landis
Peterson, H.
Sieck
Von Minden

Present and not voting, 3:

Peterson, R.
Schmit
Wagner

Excused and not voting, 6:

Burrows
Chronister
Duda
Marvel
Nichol
Rumery

Absent and not voting, 1:

Pirsch

The Vickers amendment lost with 24 ayes, 15 nays, 3 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Vickers reoffered his pending amendment found in the Journal on page 1200.

Mr. Vickers moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Cope
Cullan
Dworak
Fowler
Haberman
Hefner
Kahle
Kremer
Lamb
Newell
Peterson, R.
Remmers
Rumery
Vickers
Von Minden
Wagner

Voting in the negative, 20:

Barrett
Beutler
Beyer
Carsten
DeCamp
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Peterson, H.
Stoney
Warner
Wesely
Wiitala

Present and not voting, 6:

Apking
Clark
Fenger
Goodrich
Schmit
Sieck

Excused and not voting, 5:

Burrows
Chronister
Duda
Marvel
Nichol

Absent and not voting, 2:

Chambers
Pirsch

The Vickers amendment lost with 16 ayes, 20 nays, 6 present and not voting, 5 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved to return LB 591 to committee for a public hearing.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers moved for a Call of the House. The motion prevailed with 12 ayes, 7 nays, and 30 not voting.

Mr. Vickers requested a roll call vote on his motion.

Voting in the affirmative, 15:

Apking
Beyer
Clark
Cope
Cullan
Fenger
Goll
Kahle
Kremer
Lamb
Newell
Peterson, R.
Remmers
Rumery
Vickers

Voting in the negative, 26:

Beutler
Carsten
DeCamp
Dworak
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Nichol
Peterson, H.
Pirsch
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Excused and not voting, 6:

Barrett
Burrows
Chronister
Duda
Marsh
Marvel

Absent and not voting, 2:

Chambers
Hefner

The Vickers motion lost with 15 ayes, 26 nays, 6 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Wiitala offered the following amendment:

1. On page 2, line 3, strike "Any" and insert "~~Any~~ Except as provided in subsection (3) of this section, any".

2. On page 3, line 16, after the underscored period insert "Such increase in the city sales and use tax shall not be imposed on the sale or use of food or utilities.".

Mr. Wiitala asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Landis moved to recess until 1:30. The motion prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

VISITORS

Visitors to the Chamber were 16 students and teacher from North Bend; and 11 seniors and teacher from St. Anne's, Lexington.

RECESS

At 11:56 a.m., on a motion by Mr. Landis, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Chronister, Duda, and Marvel who were excused; and Messrs. Beutler, Hoagland, Schmit, and Wesely who were excused until they arrive.

NOTICE OF COMMITTEE HEARING
Education

Governor's Appointments
Wednesday, March 31, 1982 12:00 p.m.
Nebraska Safety Center Advisory Council
Don Cattle
Lorraine Giles

Dr. Kenneth Kimball
E. L. Laird
John J. Peterson
Ken Sieckmeyer

Nebraska State Patrol - Jack Buist

(Signed) Jerry D. Koch, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 253.

Introduced by Vickers, 38th District; Barrett, 39th District.

PURPOSE:
The purpose of this resolution is to study the impact on the tax base of political subdivisions and the tax burden of remaining property owners when private property is removed from the tax rolls to achieve various public purposes. The Legislature should study the adequacy of current legal mechanisms and formulas which have been designed to address the revenue loss problem in light of anticipated future uses of private property for public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusions of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 591. Considered.

Mr. Landis moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Carsten
Chambers
Cullan
DeCamp
Dworak
Fenger
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Sieck
Wiitala

Voting in the negative, 18:

Apking
Barrett
Beyer
Clark
Cope
Goll
Hefner
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wagner
Warner

Excused and not voting, 6:

Burrows
Chronister
Duda
Marvel
Schmit
Wesely

Advanced to E & R for Review with 25 ayes, 18 nays, and 6 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 824 in the Journal. No objections. So ordered.

1. On page 2, line 23, strike "October" and insert "November" and strike "April" and insert "March"; and in line 26 strike "April" and insert "March" and strike "October" and insert "November".

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendments, Req. #2635, printed separate from the Journal and referred to on page 608 for the Twenty-Third Day were considered.

Mr. V. Johnson renewed his pending amendment to the Standing Committee amendments found in the Journal on page 1051.

Mr. Beutler asked unanimous consent to add his name as co-introducer to the V. Johnson amendment to LB 520, found on pg 1051 of the Journal.

The V. Johnson-Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Haberman and Newell offered the following amendment to the Standing Committee amendments:

(Amendments to Standing Committee amendments, Req 2635)

1. On page 3, line 2, strike "two" and insert "five"; and strike beginning with "from" in line 2 through "families" in line 3.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Haberman-Newell amendment was adopted with 17 ayes, 12 nays, 13 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 1 nay, 12 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment:

Strike "and approval" page 19 lines 6 & 7.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler
Chambers
Cope
Cullan
DeCamp
Dworak
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Remmers
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 12:

Apking
Beyer
Carsten
Fenger
Haberman
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Rumery
Stoney

Present and not voting, 6:

Clark
Hefner
Kremer
Nichol
Von Minden
Wagner

Excused and not voting, 5:

Barrett
Burrows
Chronister
Duda
Marvel

Advanced to E & R for Review with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

Req. #2836

1. On page 1, line 11, strike "eighteen" and insert "seventeen"; in line 14 after "municipalities" insert "and seventeen million seven hundred thousand dollars for aid to counties"; after line 14 insert the following:

"Sec. 4. That section 77-27,137, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,137. ~~Of the money so appropriated, four million six hundred thousand dollars~~ The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state ~~as follows:~~

~~(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal census; and~~

~~(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the particular county to the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment.~~ on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628.

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, ~~1976~~ 1982, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county."; in line 15 strike "4" and insert "5"; and in line 19 after "77-27,136" insert "for aid to incorporated municipalities".

2. On page 2, strike lines 20 through 27.

3. On page 3, strike lines 1 through 5; after line 5 insert:

"Sec. 6. "This act shall become operative on July 1, 1982."; and strike beginning with "8," in line 9 through the last quotation marks in line 12 and insert "7, strike 'and' and insert a comma; and in line 8, after '77-27-137,' insert 'and 77-27,137.01,'".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

Req. #2807

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Nebraska Foreign Market and Port Development Act.

Sec. 2. The Legislature hereby finds:

(1) That the export and import of agricultural and manufactured products from this state is a matter of public concern and directly contributes to the social and economic well-being of the citizens of this state;

(2) That the foreign trade zone #19 located at Omaha affords the state an excellent opportunity to utilize the Missouri River as an economical and efficient means of transporting export products; and

(3) That the Caribbean area affords a prime potential market for Nebraska's exports.

Sec. 3. There is hereby established the Nebraska Foreign Trade Board which shall consist of nine members appointed by the Governor pursuant to section 5 of this act.

Sec. 4. As used in this act, unless the context otherwise requires:

(1) Board shall mean the Nebraska Foreign Trade Board;

(2) Foreign Trade Zone shall mean the zone defined by 19 U.S.C. section 81; and

(3) Free Trade Zone shall mean a zone in a foreign country where foreign or domestic merchandise is exempt from or preferentially treated by the custom laws of such country.

Sec. 5. The board shall consist of nine members who are (1) citizens of Nebraska and (2) at least twenty-five years of age. The Governor shall appoint one member from the public at large and two members from each of the following sectors: (a) Agriculture; (b) industry; (c) energy; and (d) marketing. The Governor shall initially appoint one member from each sector to serve a two-year term and all remaining members to serve four-year terms. Vacancies shall be filled for the unexpired term by appointment by the Governor. Initial appointments to the board shall be made within thirty days after the effective date of this act.

Sec. 6. Board members shall receive no compensation but shall be reimbursed for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 7. Within twenty days after the initial appointments are made and on an annual basis thereafter the Nebraska Foreign Trade Board shall meet and elect, from its members, a chairperson, vice-chairperson, and such other officers as they may deem necessary. The affirmative vote of at least five members shall be necessary for any action to be taken. A majority of the members shall constitute a quorum.

Sec. 8. The members of the Nebraska Foreign Trade Board shall appoint an executive director who shall be an employee of the board, but not a member thereof, and who shall serve at the pleasure of the members and receive such compensation as shall be fixed by the members. The executive director, who shall serve as the ex officio secretary of the board, shall administer, manage, and direct the affairs and activities of the board in accordance with the policies and under the control and direction of the members. The executive director shall approve allowable expenses of the board or of any employee or consultant thereof and expenses incidental to the operation of the board. He or she shall perform such other duties as may be directed by the members in carrying out the purposes of this act.

Sec. 9. The executive director of the Nebraska

Foreign Trade Board shall attend the meetings of the Nebraska Foreign Trade Board, shall keep a record of the proceedings of the board, and shall maintain and be custodian of all books, documents, and papers filed with the board, the minute book or journal of the board, and its official seal. He or she may cause copies to be made of all minutes and other records and documents of the board and may give certificates under seal of the board to the effect that such copies are true copies, and all persons dealing with the board may rely upon such certificates.

Sec. 10. The Nebraska Foreign Trade Board shall:

(1) Cooperate with, assist, and advise those entities involved in development and use of Nebraska's foreign trade zones;

(2) Enter into negotiations with public and private corporations in the Caribbean region and elsewhere which appear to be potential consumers for Nebraska agricultural and manufactured products, with particular attention being given to those countries which have free trade zones;

(3) Negotiate with and receive funds from the federal government or any of its agencies or any public or private agency to assist in carrying out this act;

(4) Conduct studies to determine the feasibility of constructing facilities at major river ports within foreign trade zones in Nebraska to facilitate the shipment and processing of agricultural commodities;

(5) Give particular attention to development of trade with countries where the average diet consists of protein deficient food staples in order to enhance the development of ethanol production from grain and development of high protein feed products from the byproducts of the ethanol process; and

(6) Perform any additional duties necessary to carry out the intent of this act.

Sec. 11. The Nebraska Foreign Trade Board may:

(1) Contract with and receive funds from any person, private or public organization, or corporation in any manner which will promote the goals of this act;

(2) Receive funds from and negotiate with any public or private entity established for the purpose of promoting one or more agricultural products; and

(3) Negotiate joint ventures for construction of facilities at major river ports within foreign trade zones in Nebraska.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Mr. Kremer asked unanimous consent to print the following amendment to LB 726 in the Journal. No objections. So ordered.

1. Page 2, line 10, strike “surface water or”; line 16, strike “and use of surface water”; line 20 following “water conditions,” strike the comma and insert “and” and strike beginning with the comma following “subirrigation”through “water” in line 21.
2. Page 5, line 9, following “natural” insert “and not artifically induced”.
3. Page 6, strike the new matter on lines 5 and 6, and renumber the remaining subdivision; line 15 following “users” strike the comma and insert “and”; strike beginning with “and” in line 16 through “users” in line 17; line 18, following “property” insert “in the district”; line 19, following “users”, strike the comma and insert “and”; line 20, strike “those using surface water in the district, or; line 21, following “property” insert “in the district”.

RESOLUTION

LEGISLATIVE RESOLUTION 254.

Introduced by Koch, 12th District.

WHEREAS, Dr. Anne Campbell has been the Commissioner of Education for the State Board of Education since 1974; and

WHEREAS, Dr. Anne Campbell has been involved in education in Nebraska since 1955 and has provided outstanding leadership for the State of Nebraska in education; and

WHEREAS, Dr. Campbell currently is a member of the Executive Board of the Council of Chief State School Officers, a member of the Board of Trustees of the Joint Council of Economic Education, a trustee on the Board of Trustees of the Nebraska State Colleges, and was recently appointed by Secretary of Education Terrel Bell to the National Commission on Excellence in Education; and

WHEREAS, Dr. Campbell is the past president of the American Association of University Women, past president of the Council of Chief State School Officers, former commissioner of the Nebraska Coordinating Commission for Postsecondary Education, and former chairperson of the Professional Practices Commission; and

WHEREAS, Dr. Campbell is active in many civic and charitable organizations and has had numerous articles published in professional publications; and

WHEREAS, Dr. Campbell has received numerous honors, including the “Women of Achievement” award from the Nebraska Business and Professional Women and the “Women of the Year” award by the Omaha World-Herald’s Midland magazine; and

WHEREAS, Dr. Campbell is retiring as Commissioner of Education for the State Department of Education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes to honor Dr. Anne Campbell for her years of dedicated service in education in the state and extends its best wishes for her future.
2. That the Clerk of the Legislature send a copy of this resolution to Dr. Anne Campbell.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 629. Title read. Considered.

Messrs. Hoagland and Beutler offered the following amendment:
(Amendment filed in the Clerk's Office - Req. #2832.)

Mr. DeCamp requested a ruling of the Chair on whether the Hoagland-Beutler amendment is germane to the bill.

The Chair ruled the amendment not germane.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mr. Dworak requested a record vote on the motion to cease debate.

Voting in the affirmative, 30:

Apking	Fenger	Kahle	Nichol	Schmit
Beutler	Goodrich	Koch	Peterson, H.	Sieck
Beyer	Haberman	Labedz	Peterson, R.	Stoney
Cope	Hefner	Lamb	Pirsch	Von Minden
DeCamp	Hoagland	Landis	Remmers	Wagner
Dworak	Johnson, L.	Newell	Rumery	Wesely

Voting in the negative, 2:

Kilgarin	Vickers

Present and not voting, 12:

Carsten
Chambers
Clark
Cullan
Fowler
Goll
Higgins
Johnson, V.
Kremer
Marsh
Warner
Wiitala

Excused and not voting, 5:

Barrett
Burrows
Chronister
Duda
Marvel

The motion to cease debate prevailed with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Stoney requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Apking
Beyer
Carsten
Clark
Cope
Cullan
DeCamp
Fenger
Fowler
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 9:

Chambers
Dworak
Goll
Hoagland
Johnson, V.
Landis
Stoney
Vickers
Warner

Present and not voting, 2:

Beutler
Kremer

Excused and not voting, 5:

Barrett
Burrows
Chronister
Duda
Marvel

Advanced to E & R for Review with 33 ayes, 9 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 127, 383, 421, and 677.

Correctly Engrossed

The following bills were correctly engrossed: 626 and 672.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 127

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 127:

The Kahle amendment has been rewritten to read:

"In the Final Reading Bill, page 16, reinstate the strickn matter in lines 13 and 14 and strike the new matter in lines 14 to 16.".

Enrollment and Review Changes to LB 421

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 421:

In the Landis-Schmit amendment, the comma in line 9 has been stricken.

Enrollment and Review Changes to LB 626

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 626:

1. On page 2, line 4, the stricken "No" has been shown as stricken; and in line 26 the stricken "corporate limits of the city" has been shown as stricken.
2. In the Rumery amendment 2, line 7, "said" has been stricken and "such" inserted; in line 8 "; provided, the members of said" has been stricken and "if the members of the" inserted; and in line 10 ", and provided further, that" has been stricken and "and" inserted.
3. In the title, line 9, "to permit a bank to assume the assets and liabilities of a cooperative credit association as prescribed;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 672

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 672:

1. In lieu of the Beutler amendment, on page 2, line 18, strike "thirty" and insert "twenty-five".
2. In lieu of the Beutler amendment, on page 3, line 10, strike "thirty" and insert "twenty-five".

(Signed) Emory P. Burnett
E & R Attorney

MOTION - Place LB 731 on General File

Messrs. Schmit and DeCamp moved to place LB 731 on General File, pursuant to Rule 3, Section 18(b).

Laid over.

GENERAL FILE

LEGISLATIVE BILL 629A. Title read. Considered.

Mr. Wiitala moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Advanced to E & R for Review with 30 ayes, 7 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Mr. Clark renewed his pending amendment found in the Journal on page 840.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Clark amendment lost with 13 ayes, 14 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

By changing the word "six" in line 2 page 3 to "seven".

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 11:

Beutler
Clark
Cullan
Kahle
Kilgarin
Landis
Newell
Nichol
Pirsch
Rumery
Wesely

Voting in the negative, 20:

Apking
Beyer
Dworak
Fenger
Fowler
Goll
Haberman
Johnson, L.
Koch
Kremer
Labedz
Lamb
Marsh
Peterson, H.
Peterson, R.
Remmers
Schmit
Von Minden
Warner
Wiitala

Present and not voting, 13:

Carsten
Chambers
Cope
DeCamp
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Sieck
Stoney
Vickers
Wagner

Excused and not voting, 5:

Barrett
Burrows
Chronister
Duda
Marvel

The Beutler amendment lost with 11 ayes, 20 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Koch requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Apking
Beutler
Beyer
Carsten
Cope
DeCamp
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Warner
Wiitala

Voting in the negative, 8:

Clark
Cullan
Dworak
Goll
Kahle
Nichol
Vickers
Wesely

Present and not voting, 10:

Chambers
Fenger
Fowler
Higgins
Hoagland
Schmit
Sieck
Stoney
Von Minden
Wagner

Excused and not voting, 5:

Barrett
Burrows
Chronister
Duda
Marvel

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 754. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2755 and Req. #2730.)

LEGISLATIVE BILL 755. Placed on General File.

LEGISLATIVE BILL 162. Indefinitely postponed.
LEGISLATIVE BILL 164. Indefinitely postponed.
LEGISLATIVE BILL 632. Indefinitely postponed.
LEGISLATIVE BILL 957. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.

On page 6, line 9:
Strike the word "ninety" and insert "one hundred eighty"; and on line 21, after the period insert "Such courses of instruction for nurse's aides and orderlies shall be 40 hours in duration, and shall include 25 hours of basic personal care training and 15 hours of basic therapeutic and emergency procedure training, except this section shall not prevent any facility from exceeding the hour requirement".

On page 12, line 3:
Strike the period and insert a comma, and insert "except that the director may waive the penalty, if the violation is corrected within the time specified in the citation".

GENERAL FILE

LEGISLATIVE BILL 603. Title read. Considered.

Standing Committee amendments, Req. #2680, found in the Journal on page 780 for the Twenty-Ninth Day were considered.

MR. CLARK PRESIDING

Mr. Cullan offered the following amendment to the Standing Committee amendments:

1. On page 5, line 21, strike "line 12" and insert "in lines 7 through 12, reinstate the stricken matter; and in lines 12 and 13"; in line 22 strike "fifty-five thousand" and insert "On January 6, 1983, the salary of the Chief Justice and Judges of the Supreme Court as provided for in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by five per cent."; and strike beginning with the semicolon in line 22 through the last quotation marks in line 24.

2. Strike amendments 1 and 3.

Mr. Nichol requested a division of the question on the Cullan amendment.

The Chair sustained the division of the question.

The first Cullan amendment is as follows:

1. On page 5, line 21, strike "line 12" and insert "in lines 7 through 12, reinstate the stricken matter; and in lines 12 and 13"; in line 22 strike "fifty-five thousand" and insert "On January 6, 1983, the salary of the Chief Justice and Judges of the Supreme Court as provided for in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by five per cent."; and strike beginning with the semicolon in line 22 through the last quotation marks in line 24.

Amendment pending.

UNANIMOUS CONSENT - Print in Journal

Messrs. Beutler, Landis, Fowler, and Wesely asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

Req. #2837

1. Strike section 1 and all amendments thereto and insert the following new section:

"Section 1. That section 79-902.01, Revised Statutes Supplement, 1981, be amended to read as follows:

79-902.01. (1) The board of education of a fourth class district shall consist of six members. Board members shall be elected for four years. Members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Vacancies in office shall occur as set forth in section 32-1037, or when a member elected from a district no longer resides in such election district. Whenever any vacancy occurs on the board, the remaining members shall appoint an individual residing within the geographical boundaries of the school district and within the geographical boundaries of the election district of the member whose term has become vacant in the manner prescribed in section 79-464. Candidates for the board of education shall be nominated and elected at the same time as members of the city council. No filing fee shall be required of such candidates.

(2) If the election of board of education members is by district or at large, the ~~The~~ election commissioner of the county in which the greater part of the district is situated shall, subject to review by the school board, divide the school district into six numbered districts, substantially equal in population as determined by the most recent federal census. The election commissioner shall consider the location of schools within the district and their boundaries. A member of the board shall be elected from each such district. Candidates shall be nominated from the district at the primary election upon a nonpolitical ballot. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon an official ballot for the board of education to be elected by district or at large at the general city election as the voters of the district shall by majority vote decide. The question of whether the election shall be by district shall be submitted to the voters of such district at the general election in November, 1982.

(3) If the voters of the district vote to elect

board of education members by district, the districts established in subsection (2) of this section shall be used for such elections. The city shall notify the public of such district elections and instruct the filing officer to accept all filings by district. Such district elections shall be established so that the board of education members are elected from districts bearing even numbers at one election and from districts bearing odd numbers at the following election. Members serving on the effective date of this act ~~Members of the board of education~~ shall serve until the expiration of their terms. ~~At the general city election in 1979 and each four years thereafter, one member shall be elected from each of the even numbered districts. At the general city election in 1981 and each four years thereafter, one member shall be elected from each of the odd numbered districts.~~ The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census. Section 5-108 shall apply to all Class IV school districts.".

Messrs. Kremer and Schmit asked unanimous consent to print the following amendment to LB 849 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2823.)

VISITORS

Visitors to the Chamber were 60 seventh grade students and teacher from St. Paul; and Ron and Tim Watson.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. Hefner, the Legislature adjourned until 9:00 a.m., Thursday, March 18, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 18, 1982

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY - MARCH 18, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 18, 1982

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by LeRoy Hofker, Treasurer of Gideons International, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Chambers, Warner, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LB's 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, 829, and LR 243.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 852 in the Journal. No objections. So ordered.

1. On page 18, line 19, strike the word "restrictions" and insert "provisions".
2. On page 22, line 25, strike the word "restrictions" and insert the word "provisions".

3. On page 12, line 15, strike the period and insert ", as provided in Sections 84-306.01 to 84-306.05 for state employees."

MOTION - Reconsider LB 202

Mr. Chambers moved to reconsider the vote to indefinitely postpone LB 202.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 628.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Equal Opportunity in Education Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Kahle
Peterson, R.

Excused and not voting, 4:

Chambers Kilgarin Marvel Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to appeals; to amend sections 24-342, 29-2301, 29-2302, 29-2303, 29-2305, 29-2306, 29-2308, 29-2315.01, 29-2522, 29-2525, and 29-2528, Reissue Revised Statutes of Nebraska, 1943, and section 25-1912, Revised Statutes Supplement, 1981; to remove certain references to writs of error; to change provisions relating to the preparation of bills of exceptions; to change provisions relating to notices of appeal; to change provisions relating to transcripts; to require the suspension of sentences while a case is appealed; to require credit against a sentence for time served while a case is on appeal; to require that the date of execution be set after the appeal; to provide duties; to harmonize provisions; and to repeal the original sections, and also sections 29-2304, 29-2309, 29-2310, and 29-2526, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Chambers Warner

Excused and not voting, 2:

Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 782. With Emergency.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, 23-1723.01, and 23-1732, Reissue Revised Statutes of Nebraska, 1943, relating to sheriffs; to change provisions relating to sheriff's office merit commissions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Kilgarin
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 827.

A BILL FOR AN ACT to amend section 79-2650.07, Revised Statutes Supplement, 1981, relating to technical community colleges; to remove a construction restriction from certain areas; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Dworak

Present and not voting, 1:

Kahle

Excused and not voting, 2:

Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 69.

A BILL FOR AN ACT relating to motor vehicles; to require the use of passenger restraint systems as prescribed; and to provide penalties.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 34:

Apking
Beutler
Beyer
Carsten
Chambers
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 11:

Barrett
Burrows
Chronister
Dworak
Goodrich
Haberman
Hefner
Lamb
Nichol
Peterson, R.
Von Minden

Present and not voting, 2:

Kahle
Wagner

Excused and not voting, 2:

Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 359.

A BILL FOR AN ACT to amend sections 31-735.01 and 31-735.02, Reissue Revised Statutes of Nebraska, 1943, and section 31-735, Revised Statutes Supplement, 1981, relating to sanitary and improvement districts; to change provisions relating to district elections; to change provisions relating to the payment of election board members as prescribed; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle

Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 428 to Select File

Mr. Beutler moved to return LB 428 to Select File for the following specific amendment:

1. to strike the word 'shall' in line 17, page 2 and insert the word 'may'
2. to reinstate the stricken language in line 6, page 3; and to strike the new language in lines 6 & 7, page 3; and to strike the following language in line 8, page 3 ''interest of the person to be present
3. to reinstate the stricken language in lines 12-14, page 10
4. to strike word 'visitor' on line 20, page 10 and insert the word 'attorney'
5. to strike the new language on lines 21 & 22, page 10 and renumber the succeeding subsections accordingly.

Mr. Newell moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to return prevailed with 25 ayes, 16 nays, 7 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 428. The Beutler specific amendment found in this day's Journal was considered.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Apking
Barrett
Beutler
Burrows
Carsten
Clark
Cullan
Dworak
Haberman
Hefner
Johnson, L.
Kahle
Koch
Kremer
Lamb
Landis
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Warner

Voting in the negative, 22:

Beyer
Chambers
Chronister
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Marsh
Peterson, R.
Schmit
Sieck
Wagner
Wesely
Wiitala

Present and not voting, 1:

Vickers

Excused and not voting, 1:

Marvel

The Beutler amendment was adopted with 25 ayes, 22 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Stoney requested a machine vote to advance the bill.

Advanced to E & R for Re-Engrossment with 40 ayes, 5 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Return LB 428 to Select File

Mr. Burrows moved to return LB 428 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Burrows asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

MOTION - Return LB 435 to Select File

Mr. Beutler moved to return LB 435 to Select File for the following specific amendment:
1. strike the word 'present' in line 27, page 17
2. insert after the word 'class' in line 7, page 3 the following language "and cities of the primary class"

3. insert after the word 'property' in line 13, page 36 the following language "at fair market value"
4. strike the new language on page 42 and reinstate the old language

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Barrett
Beutler
Beyer
Burrows
Carsten
Cope
Cullan
Dworak
Fowler
Goll
Koch
Kremer
Nichol
Pirsch
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 24:

Apking
Chronister
DeCamp
Duda
Fenger
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck

Present and not voting, 3:

Chambers
Clark
Higgins

Excused and not voting, 1:

Marvel

The Beutler motion to return lost with 21 ayes, 24 nays, 3 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 435.

A BILL FOR AN ACT relating to the Nebraska Housing Authority Law; to amend sections 71-1519, 71-1520, 71-1522, 71-1523, 71-1526, 71-1528, 71-1529, 71-1531, 71-1535, 71-1539, 71-1543, 71-1544, and

71-1550 to 71-1553, Reissue Revised Statutes of Nebraska, 1943, section 71-1536, Revised Statutes Supplement, 1980, and section 71-1524, Revised Statutes Supplement, 1981; to provide for the creation, operation, and dissolution of joint housing authorities; to provide governing bodies for such authorities; to expand powers of housing authorities as prescribed; to change provisions relating to termination of tenants; to provide for disclosure of information on tenants as prescribed; to change provisions relating to financing of the authorities; to change provisions relating to actions against an authority; to provide for severability; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 38:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 9:

Beutler
Burrows
Chambers
Clark
Nichol
Pirsch
Stoney
Vickers
Warner

Present and not voting, 1:

DeCamp

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATIONS OF VOTES

Had I been present, I would have voted Aye on final readings LB 628, 722, 782E, 827, 69, 359.

(Signed) Karen Kilgarin

Had I been present I would have voted ''aye'' on LB 628.

(Signed) Jerome Warner

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1982, at 10:10 a.m., were the following bills: 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Rumery asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 2, line 27, reinstate ''corporate limits of the city''.

2. On page 3, line 1, strike ''county''.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 687 in the Journal. No objections. So ordered.

1. On page 3, lines 10 and 11, strike the new matter and reinstate the stricken matter; and in line 11 after ''county'' insert ''with a population of not more than twenty thousand persons''.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 628, 722, 782, 827, 69, 359, and 435.

RESOLUTIONS

LEGISLATIVE RESOLUTION 249. Read. Considered.

LR 249 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 250. Read. Considered.

Messrs. Fowler, Barrett, Koch, Clark, Haberman, H. Peterson, L. Johnson, Chronister, Kahle, Beutler, Vickers, Carsten, Newell, Lamb, Rumery, V. Johnson, Kremer, Hefner, Mesdames Pirsch, Higgins, Marsh, Apking, and Miss Kilgarin asked unanimous consent to have their names added as co-introducers to LR 250. No objections. So ordered.

LR 250 was adopted with 43 ayes, 0 nays, and 6 not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 863A. By Landis, 46th District.
This bill introduced on behalf of: LB 863.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 863, Eighty-seventh Legislature, Second Session, 1982.

GENERAL FILE

LEGISLATIVE BILL 726. Title read. Considered.

Standing Committee amendment found in the Journal on page 1003 for the Thirty-Seventh Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Messrs. Nichol, R. Peterson, Mesdames Labedz, and Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Fenger asked unanimous consent to print the following amendment to LB 714 in the Journal. No objections. So ordered.

(Amendments to White Copy Req. 2605)

1. On page 3, line 7, strike "Department of Public Welfare" and insert "State Foster Care Review Board"; and in line 10 after "board" insert "registry".

VISITORS

Visitors to the Chamber were 12 students and teacher from Alliance High School; 58 eighth grade students and teachers from St. Bernadette, Omaha; Greg Krieser from Eagle; 18 students and teachers from District #5, Wood River; 11 students and teacher from Chase County High School, Imperial; 15 ladies from the Washington County Feeders Association Auxiliary; Ann Sprague and Melanie Dorn from Red Cloud; Ann Boyle, Don Zern, and Al Abrahmson from Omaha; Mrs. Melvin Sahs from Schuyler; and a group from Miller Park Presbyterian Church.

RECESS

At 11:55 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Chambers, Hoagland, V. Johnson, Kremer, Newell, Nichol, Sieck, Warner, Wesely, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 726. Considered.

Mr. Haberman offered the following amendment:

Page 2, line 10, strike "surface water or"; line 16, strike "and use of surface water"; line 20 following "water conditions," strike the comma and insert "and" and strike beginning with the comma following "subirrigation"through "water" in line 21.

2. Page 5, line 9, following "natural" insert "and not artificially induced".

3. Page 6, strike the new matter on lines 5 and 6, and renumber the remaining subdivision; line 15 following "users" strike the comma and insert "and"; strike beginning with "and" in line 16 through "users" in line 17; line 18, following "property" insert "in the district"; line 19, following "users", strike the comma and insert

"and"; line 20, strike "those using surface water in the district, or; line 21, following "property" insert "in the district".

Mr. L. Johnson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Apking
Barrett
Beutler
Beyer
Burrows
Cope
Cullan
Duda
Dworak
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 12:

Carsten
Clark
DeCamp
Hefner
Kahle
Kremer
Lamb
Peterson, H.
Rumery
Schmit
Von Minden
Wagner

Present and not voting, 2:

Chronister
Fenger

Excused and not voting, 6:

Chambers
Higgins
Johnson, L.
Labedz
Marvel
Nichol

The amendment was adopted with 29 ayes, 12 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mrs. Apking and Mr. R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Barrett
Beutler
Carsten
Chambers
Cullan
Dworak
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 16:

Beyer
Burrows
Chronister
Clark
Cope
DeCamp
Goodrich
Hefner
Kahle
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Schmit
Wagner

Present and not voting, 2:

Duda
Fenger

Excused and not voting, 4:

Apking
Johnson, L.
Marvel
Peterson, R.

Advanced to E & R for Review with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 255.

Introduced by Schmit, 23rd District.

WHEREAS, there is increasing concern in the utility industry of the State of Nebraska over the theft of electricity, gas, and water; and

WHEREAS, the prosecution of persons for such crimes is difficult under existing statutes; and

WHEREAS, there is a question as to the constitutionality of the presumption of guilt provided in sections 86-329 to 86-331.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Nebraska Legislature be directed to conduct an interim study of the problem of the theft of electricity, gas, and water. Such study shall include, but not be limited to:

a. Changes in the statutes to provide for civil penalties for such theft in addition to the criminal sanctions under existing statutes;

b. The question of the constitutionality of the presumption of guilt under sections 86-329 to 86-331; and

c. The possible need for harmonization of the changes to the meter tampering laws in section 28-515, contained in LB 126 passed by the Eighty-seventh Legislature, Second Session, with existing law under sections 86-329, 86-330, and 86-331.

2. That the committee make a full report of its findings, together with any recommendations for legislative action, to the next regular session of the Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1982, at 2:05 p.m. were the following bills: 628, 722, 782, 827, 69, 359, and 435.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Messrs. Landis and DeCamp asked unanimous consent to print the following amendment to LB 358 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments, Req. 2732)

1. On page 1, line 6, reinstate "section"; and in line 7, strike the new matter.
2. On page 3, lines 4 through 6, strike the new matter and reinstate the stricken matter.
3. Strike section 3.
4. Renumber sections 4 to 6 as sections 3 to 5 respectively.
5. On page 6, strike beginning with "to" in line 16 through the semicolon in line 18.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 714A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 714.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 714, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 611 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments on page 811 of the Journal, on page 1 strike beginning with the comma in line 21 through "road" in line 24.

Mr. Schmit asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2842.)

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 816. Title read. Considered.

Standing Committee amendments, Req. #2753, found in the Journal on page 985 for the Thirty-Sixth Day were considered.

Mr. Carsten renewed his pending amendment, Req. #2836, to the Standing Committee amendments found in the Journal on page 1234.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Carsten amendment to the Standing Committee amendments was adopted with 22 ayes, 15 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Kahle requested a record vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 29:

Beutler
Beyer
Burrows
Carsten
Chambers
Clark
Cope
Cullan
Duda
Fenger
Fowler
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 14:

Apking
Barrett
Chronister
DeCamp
Dworak
Haberman
Hefner
Kahle
Kremer
Peterson, R.
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 4:

Higgins
Lamb
Remmers
Vickers

Excused and not voting, 2:

Johnson, L.
Marvel

The Standing Committee amendments, as amended, were adopted with 29 ayes, 14 nays, 4 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2776, found in the Journal on page 1042. No objections. So ordered.

Mr. DeCamp offered the following amendment:
Req. #2850

1. Strike the original sections and all amendments thereto and insert the following new sections:

“Section 1. That section 77-3606, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3606. (1) For fiscal years ~~1980-81 and~~ 1981-82 and 1982-83 the Legislature shall appropriate seventy million dollars from the General Fund to a special fund to be known as the Local Government Revenue Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(2) For fiscal years ~~1980-81 and~~ 1981-82 and 1982-83 the Legislature shall annually appropriate and distribute seventy million dollars from the Local Government Revenue Fund. Of such funds appropriated, thirty-seven million nine hundred seventy-seven thousand six hundred dollars shall be distributed based on the actual value of agricultural real estate within the state, thirty-one million twenty-two thousand four hundred dollars shall be distributed based on the actual value of commercial-industrial real estate in the state, and one million dollars shall be distributed based on the actual value of suburban-residential real estate within the state.

(3) For purposes of subsection (2) of this section (a) actual value of agricultural real estate shall mean the total actual value of all agricultural lands, lots, and improvements in this state computed by adding the actual value of dry cropland, irrigated cropland, rangeland and meadow, pasture land, wasteland, agricultural improvements, and agricultural land or lots in each county as reported in lines 14 through 18, 20, 29, and 30 of the most current County Abstract of Assessment Form 45, (b) actual value of commercial-industrial real estate shall mean the total actual value of all suburban commercial land or lots, suburban commercial improvements, suburban industrial land or lots, suburban industrial improvements, commercial land or lots, commercial improvements, industrial land or lots, and industrial improvements in this state computed by adding the actual value of real estate in each county as reported in lines 23 to 26 and 33 to 36 of the most current County Abstract of Assessment Form 45, and (c) actual value of suburban-residential real estate shall mean the total actual value of all suburban residential land or lots, suburban residential improvements, unimproved lots, residential land or lots, and residential improvements in this state computed by adding the actual value of real estate in each county as reported in lines 21, 22, 28, 31, and 32 of the most recent County Abstract of Assessment Form 45. ~~For fiscal year 1980-81 funds shall be distributed based on the 1980 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for~~ For fiscal year 1981-82 funds shall be distributed based on the 1981 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment and for fiscal year 1982-83 funds shall be distributed based on the 1982 County Abstract of Assessment Form 45 as equalized by the State Board of Equalization and Assessment.

Sec. 2. That section 77-3607, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3607. Each county shall receive a share of the funds distributed pursuant to section 77-3606 based on the percentage figure obtained by dividing the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the county by the total actual value of agricultural, commercial-industrial, and suburban-residential real estate in the state. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, ~~1980~~ 1981, and December 5, ~~1981~~ 1982. ~~For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to May 23, 1981, shall be added to the initial payment made following May 23, 1981.~~ The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notificaton, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 77-3608.

Sec. 3. That section 77-3608, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3608. Each political subdivision or portion of a political subdivsion within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, ~~1980~~ 1981, and December 5, ~~1981~~ 1982. ~~For fiscal year 1980-81 the fund shall be distributed according to the same schedule except that any monthly payment not made prior to May 7, 1981, shall~~

~~be added to the initial payment made following May 7, 1981.~~

Sec. 4. That section 77-3610, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3610. Sections 77-3605 to 77-3609 shall terminate on July 1, ~~1982~~ 1983.

Sec. 5. That section 77-3612, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3612. For fiscal year ~~1982-83~~ 1983-84 and each fiscal year thereafter the Legislature shall appropriate seventy million dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 6. That section 77-3613, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3613. For fiscal year ~~1982-83~~ 1983-84 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, ~~1982~~ 1983, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 77-3614.

Sec. 7. That section 77-3614, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3614. Each political subdivision or portion of a political subdivision within a county, including the county itself, with authority to levy a tax or cause a tax to be levied shall receive a share of the funds distributed to the county in an amount equivalent to the percentage figure obtained by dividing the amount of property tax levied within the county by the political subdivision during the prior calendar year by the total amount of property tax levied within the county by all political subdivisions during the prior calendar year. Such amount shall be distributed by the county treasurer in seven as nearly as possible equal monthly payments beginning December 5, ~~1982~~ 1983, and each December 5 thereafter.

Sec. 8. That original sections 77-3606 to 77-3608, 77-3610, and 77-3612 to 77-3614, Revised Statutes Supplement, 1981, are repealed.

Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

Messrs. Barrett and Burrows asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. DeCamp requested a record vote on his amendment.

Voting in the affirmative, 18:

Apking
Chronister
Clark
Cope
DeCamp
Dworak
Goll
Haberman
Hefner
Kahle
Kremer
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 25:

Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
Duda
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Present and not voting, 3:

Lamb
Nichol
Rumery

Excused and not voting, 3:

Barrett
Johnson, L.
Marvel

The DeCamp amendment lost with 18 ayes, 25 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 816.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Haberman requested a record vote on his motion.

Voting in the affirmative, 15:

Apking
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Kremer
Peterson, R.
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 26:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Peterson, H.
Remmers
Rumery
Stoney
Warner
Wesely
Wiitala

Present and not voting, 5:

Chambers
Lamb
Nichol
Pirsch
Vickers

Excused and not voting, 3:

Barrett
Johnson, L.
Marvel

The Haberman motion to indefinitely postpone lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
Duda
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 16:

Apking
Barrett
Chronister
Cope
DeCamp
Dworak
Haberman
Hefner
Kahle
Kremer
Peterson, R.
Remmers
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 4:

Clark
Lamb
Rumery
Vickers

Excused and not voting, 2:

Johnson, L.
Marvel

Advanced to E & R for Review with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 816A. Title read. Considered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Advanced to E & R for Review with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 970. Placed on General File.

LEGISLATIVE BILL 756. Placed on General File as amended. Standing Committee amendment to LB 756:

1. On page 3, line 25, strike "47,379" and insert "49,498".

LEGISLATIVE BILL 933. Placed on General File as amended. Standing Committee amendments to LB 933:

Req. #2831

1. Strike original sections 1 to 24, 26, 28, and 29 and insert the following new sections:

"Sec. 3. This act shall become operative on July 1, 1982.

Sec. 4. That original section 79-4,123, Reissue Revised Statutes of Nebraska, 1943, and section 79-1247.05, Revised Statutes Supplement, 1981, and also sections 23-362.03, 43-654, 43-654.01 to 43-654.03, and 43-655.01, Revised Statutes Supplement, 1980, and sections 43-656 and 43-657, Revised Statutes Supplement, 1981, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. Renumber original sections 25 and 27, as sections 1 and 2 respectively.

LEGISLATIVE BILL 942. Placed on General File as amended. Standing Committee amendments to LB 942:

Req. #2852

1. Strike original sections 11, 13 to 22, and 24 and insert the following new sections:

"Sec. 12. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. Medical assistance on behalf of recipients shall be paid directly to vendors. ~~On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.~~ On behalf of all ~~recipients~~ individuals who are eligible to receive aid to dependent children assistance or aged, blind, or disabled assistance and for whom eligibility for medical assistance is mandatory under Title XIX of the Social Security Act, medical assistance shall include ~~other~~ inpatient and outpatient hospital ~~care~~ services, rural health clinic services, laboratory and X-ray services, ~~nursing home services, care home services, home health care services, nursing services, clinic services,~~ skilled nursing facility services for individuals twenty-one years of age or older, home health services to individuals entitled to skilled nursing facility services, early and periodic screening, diagnosis, and treatment for individuals under the age of twenty-one, family planning services, and services of ~~practitioners~~ physicians licensed by the Department of Health. ~~and such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.~~ The Director of Public Welfare may also provide for, under the authority provided in section 68-1021, such additional services and eligibility as are optional under Title XIX of the Social Security Act.

Sec. 13. No payments shall be made by the Department of Public Welfare to any vendor for services provided to public assistance recipients, if such payments would result in a payment in excess of the average fee paid for such service to such vendors for fiscal year 1981-82 increased by three and seventy-five hundredths per cent.

Sec. 14. The State Treasurer is hereby directed to transfer the following amounts from the respective funds to the Nebraska Agricultural Products Marketing Cash Fund for fiscal year 1982-83:

(1) Fifteen thousand seven hundred dollars from the Nebraska Wheat Development, Utilization, and Marketing Fund;

(2) Twenty-one thousand dollars from the Nebraska Corn Development, Utilization, and Marketing Fund;

(3) Nineteen thousand seven hundred dollars from the Soybean Development, Utilization, and Marketing Fund; and

(4) Eight thousand six hundred dollars from the Grain Sorghum Development, Utilization, and Marketing Fund.

Such amounts shall be transferred to the Nebraska Agricultural Products Marketing Cash Fund not later than August 1, 1982.

Sec. 15. (1) Commencing July 1, 1982, and terminating July 1, 1985, county treasurers shall at the time of registration pursuant to Chapter 60, article 3, collect a three dollar and seventy-five cent highway safety fee. Such fee shall be collected for every motor vehicle, semitrailer weighing over five thousand pounds, trailer weighing over five thousand pounds, as defined in section 60-301, and school bus subject to the provisions of section 79-488, except motor vehicles and trailers registered pursuant to section 60-305.09.

(2) A highway safety fee shall also be collected at the time of registration of any truck or truck-tractor pursuant to section 60-305.09, which fee shall be three dollars and seventy-five cents multiplied by the factor used in determining the registration fee of such vehicles pursuant to subsection (1) of section 60-305.09.

(3) The highway safety fee shall be accounted for as other fees and shall be transmitted to the State Treasurer for deposit in the Protection of People and Property Cash Fund, which is hereby created. Such fund shall be used to finance the Nebraska State Patrol's protection of people and property program.”.

2. On page 6, line 22, strike “twenty-five” and insert “one half of the rates generally applicable to other persons at peak hours”.

3. On page 8, line 27, strike beginning with “When” through “the”.

4. On page 9, in lines 1 to 5, strike the new matter.

5. On page 25, strike beginning with “and” in line 11 through “act” in line 13 and show as stricken; strike beginning with “and” in line 18 through “act” in line 19 and show as stricken; and in line 26 strike “or” and insert:

“(5) Aided or abetted the offender in the commission of the unlawful act; or”.

6. On page 26, line 1, strike “(5)” and insert “(6)”.

7. On page 32, line 16, strike “43-611,”; strike beginning with “43-645” in line 16 through “83-1,143.03” in line 17 and insert “and 68-1019”; strike beginning with “71-5027” in line 18 through the first comma in line 19; in line 20 before “43-607” insert “and”; in line 21 strike “and 79-1334,”; and strike beginning with the second “and” in line 21 through the third comma in line 22.

8. Renumber remaining sections accordingly.

LEGISLATIVE BILL 761. Placed on General File as amended.
Standing Committee amendments to LB 761:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2729.)

LEGISLATIVE BILL 966. Placed on General File as amended.
Standing Committee amendments to LB 966:
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2808.)

LEGISLATIVE BILL 971. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 807.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 807

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 807:

1. Original sections 38 and 39 to 41 have been renumbered as 42 and 44 to 46 respectively.

2. In committee amendments, page 3, line 12, "and" has been stricken; and in line 18 the period has been stricken and "; and" inserted.

3. In the Landis amendments to S C amendments, new subsection (4), an underscored comma has been inserted after "improvement" in line 2 and "may" in line 3; in line 4 "(4)" has been stricken; in line 11 the comma has been stricken; in lines 13 and 20, "30 day" has been stricken and "thirty-day" inserted; and in amendment 4, line 2, an underscored comma has been inserted after the second "(2)".

4. In the title, line 2, "ordinances" has been stricken and "elections" inserted; in line 4 "to change various provisions relating to municipal elections;" has been inserted after the E & R amendment; in line 5 "16-6,108" has been stricken and "15-301, 16-6,108, 32-513" inserted; and in line 7 ", sections 14-201 and 14-204, Revised Statutes Supplement, 1980, and section 16-302.01, Revised Statutes Supplement, 1981" inserted after "1943".

5. In the Landis amendments to S C amendments, underscoring has been supplied to all matter added; in new subsection (4), line 7, capitalization has been supplied to "For" and in lines 13 and 20 a figure has been changed to words; and in new subdivision (e) and new subsection (4), paragraphing has been supplied.

6. In the Landis amendments to standing committee number 4, line 3, the period has been deleted after "adopted".

7. On page 9, line 8, "posted" has been inserted after "also".

8. In the Landis amendment 3, in line 15 of the new subdivision (4), "and" has been inserted after the comma.

(Signed) Emory P. Burnett
E & R Attorney

ANNOUNCEMENT

Mr. Lamb directed that LB 458 be moved from Passed Over to General File.

VISITORS

Visitors to the Chamber were 21 students and teacher from Weeping Water High School; 30 students, teachers, and sponsors from Red Cloud; and Mrs. Eldred Coufal from Schuyler.

ADJOURNMENT

At 4:47 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Friday, March 19, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 19, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 19, 1982

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. John Ross, Faith Lutheran Church, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Marvel, and Vickers who were excused; and Mrs. Apking, Messrs. Chambers, Haberman, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 249 and LR 250.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 854. Placed on Select File as amended.
E & R amendment to LB 854:

1. In the title, line 4, insert "; to authorize a second videotext channel" after "prescribed".

LEGISLATIVE BILL 854A. Placed on Select File as amended.
E & R amendment to LB 854A:

1. On page 2, insert a comma in line 3, after "1983"; and insert a comma at the end of lines 10 and 11.

LEGISLATIVE BILL 909. Placed on Select File as amended.
E & R amendments to LB 909:

1. On page 4, line 1, insert "of the purchaser" after "name".
2. In the title, line 9, strike the second "and"; and in line 10 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendment to LB 480:

1. In the title, strike lines 2 to 18 and insert "FOR AN ACT to amend sections 77-2001, 77-2002, 77-2032, and 77-2106, Reissue Revised Statutes of Nebraska, 1943, and section 77-2004, Revised Statutes Supplement, 1980, relating to taxation; to change inheritance tax provisions as prescribed; to eliminate the tax on property passing to a surviving spouse; to delete obsolete language; to provide operative dates; and to repeal the original sections, and also sections 77-2033, 77-2034, 77-2035, 77-2036, and 77-2106.03, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendment to LB 835:

1. In the title, strike lines 3 and 4 and insert "hospitals furnish an itemized list of expenses as prescribed.".

LEGISLATIVE BILL 688. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendment to LB 799:

1. On page 12, line 15, strike "dissaprove" and insert "disapprove" as in the statutes.

LEGISLATIVE BILL 868. Placed on Select File as amended.
E & R amendments to LB 868:

1. On page 9, line 11, strike "such" and

insert "the"; in line 21 insert "called by" after "or"; and at the end of line 25 insert "called by the".

2. In S. C. amendments, page 1, line 16, insert "a" before "fiscal".

3. On page 14, line 11, strike "and" and insert "which".

4. In S. C. amendments, page 4, line 2, strike "on" and insert "of".

5. On page 48, line 8, insert "of" after "petition".

6. On page 50, line 2, strike "plaintiff" and insert "plaintiffs"

7. In S. C. amendments, page 7, line 19, insert an underscored comma after "shall".

8. In S. C. amendments, page 8, lines 22 and 23, strike "Auditor of Public Accounts" and insert "auditor".

9. In S. C. amendments, page 9, line 15, strike "through" and insert "to"; and in line 22, insert an underscored comma after "rate".

10. In S. C. amendments, page 11, lines 14 and 25, strike "Auditor of Public Accounts" and insert "auditor".

11. In the title, line 4, strike "and 31-759" and insert "31-759, and 31-764 to 31-770"; and in line 14 insert "to change provisions respecting mergers;" before "to".

LEGISLATIVE BILL 602. Placed on Select File as amended.
E & R amendment to LB 602:

1. In the title, line 8, insert "to provide for a standard of need; to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 787. Placed on Select File as amended.
E & R amendments to LB 787:

1. On page 3, line 14, strike the comma and show stricken.

2. For correlation purposes, on page 3, line 9, insert "as amended by section 2, Legislative Bill 215, Eighty-seventh Legislature, Second Session, 1982," after the second comma; on page 5, line 12, strike "and"; in line 14, strike the period and insert "; and"; and after line 14 insert

"(7) The proceedings for termination of

parental rights as provided in section 42-364.".

3. On page 15, line 12, strike ", but is not" and insert "but not be".

4. On page 16, line 25, after "is" insert "the".

5. On page 27, line 17, strike "43-247,"; and in line 20 insert ", and section 43-247, Revised Statutes Supplement, 1981, as amended by section 2, Legislative Bill 215, Eighty-seventh Legislature, Second Session, 1982" after "1981".

6. In the title, line 2, strike "43-247,"; in line 5 strike "and 43-290" and insert "43-290, and 43-2,125"; in line 6 insert ", and section 43-247, Revised Statutes Supplement, 1981, as amended by section 2, Legislative Bill 215, Eighty-seventh Legislature, Second Session, 1982" after "1981".

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 256.

Introduced by Nichol, 48th District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Carsten, 2nd District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; DeCamp, 40th District; Duda, 14th District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Landis, 46th District; Marsh, 29th District; Newell, 13th District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Stoney, 4th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wiitala, 31st District.

WHEREAS, multiple purpose dams and reservoirs in Nebraska and other states with interstate streams that enter Nebraska have provided numerous benefits for irrigation water supplies, hydroelectric power generation, flood control and protection, recreation, and fish and wildlife; and

WHEREAS, the federal government has reaffirmed that the rights over use of water and priorities for such use shall remain the sole prerogative of the individual states; and

WHEREAS, excessive federal regulations, restrictions, and requirements can adversely affect the rights of the states to water use, preferences, and priorities; and

WHEREAS, operation of man-made dams in Nebraska and other states has been consistent with state and federal requirements and individual state priorities for the beneficial use of surface water; and

WHEREAS, the federal Environmental Protection Agency has determined that dams should not be considered point sources of pollution to be made subject to additional stringent federal licensing and permit procedures under the federal Clean Water Act; and

WHEREAS, the federal district court of the District of Columbia on January 29, 1982, ordered that the Environmental Protection Agency must designate dams as point sources of pollution; and

WHEREAS, such designation will impose excessive restrictions, regulatory requirements, and costs on the operation and management of water projects involving dams, may lead to extensive future litigation, and may threaten future operations of dams for supplying water crucial to irrigation projects, hydroelectric energy production, and other beneficial purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That designation of man-made dams as point sources of pollution is not necessary and will impose excessive federal restrictions, requirements, and regulations on the operation of water projects to the detriment of the State of Nebraska and the United States; and

2. That additional federal regulation of water projects poses a threat to the sovereignty of the states in their exclusive rights regarding water use, priorities, and beneficial purposes in the future; and

3. That the Executive Branch of the United State Government is urged to appeal the January 29, 1982, decision of the federal district court of the District of Columbia, in the case of National Wildlife Federation vs. Anne Gorsuch, Administrator, U.S. Environmental Protection Agency; and

4. That the United States Congress is urged to enact legislation to specifically exempt dams as point sources of pollution under the National Pollution Discharge Elimination System (NPDES) of sections 301 (a) and 402 (a) of the Clean Water Act and Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. sections 1311 (a) and 1342 (a) to clarify the application of the Clean Water Act to dams, to render nul and void the decision of January 29, 1982, and to prevent future litigation to determine dams as point sources of pollution; and

5. That the Clerk of the Legislature is directed to provide copies of this resolution with notification of its approval by the Legislature, to: all members of the Nebraska delegation serving in the U.S. Congress; the Secretaries, Majority Leaders, and Minority Leaders of the United States Senate and U.S. House of Representatives; the U.S. Secretary of the Interior; the U.S. Attorney General; the Administrator of the U.S. Environmental Protection Agency; the President of the United States; and the Governor of Nebraska.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 609A. By Marsh, 29th District.
This bill introduced on behalf of: LB 609.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 609, Eighty-seventh Legislature, Second Session, 1982.

MR. CLARK PRESIDING

REPORTS

Received proposed lease renewal for Department of Correctional Services.

Received quarterly report from Department of Roads of financial position and operations.

UNANIMOUS CONSENT - Member Excused

Mr. Sieck asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 571 to Select File

Mr. Clark moved to return LB 571 to Select File for his specific amendment found in the Journal on page 1113.

The motion to return prevailed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 571. The Clark specific amendment found in the Journal on page 1113 was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 577 to Select File

Mr. V. Johnson moved to return LB 577 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 577.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 1, of the Constitution of Nebraska, relating to state indebtedness; to provide for the issuance of revenue bonds for the construction of water retention and impoundment structures for the purposes of water management and conservation; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska.

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Section 1. The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrepealable until such debt is paid; Provided, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures; and provided further, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to authorize the issuance of revenue bonds for the construction of water retention or impoundment structures for the purpose of water management and conservation.
>
> For

Against''.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 38:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 4:

Lamb
Remmers
Warner
Wesely

Excused and not voting, 7:

Chambers
Dworak
Haberman
Marvel
Schmit
Sieck
Vickers

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

LEGISLATIVE BILL 601.

A BILL FOR AN ACT to amend section 23-114.01, Revised Statutes Supplement, 1981, relating to counties; to change membership requirements for county planning commissions as prescribed; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 7:

Chambers
Dworak
Haberman
Marvel
Schmit
Sieck
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to interest; to provide an additional exception to the limitation of the rate of interest; to reject the federal provisions on interest rates as prescribed; to amend section 45-101.04, Revised Statutes Supplement, 1980; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Burrows Higgins

Excused and not voting, 6:

Chambers Haberman Schmit
Dworak Marvel Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 634.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XIII, section 2, of the Constitution of Nebraska, relating to state, county, and municipal indebtedness; to authorize the use of revenue bonds as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 2. Notwithstanding any other provision in the Constitution, the Legislature may authorize any county, incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section, shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to authorize the use of revenue bonds to develop blighted property.
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Apking
Burrows
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Wiitala

Voting in the negative, 11:

Barrett
Beutler
Beyer
Clark
Cope
Goll
Kahle
Stoney
Wagner
Warner
Wesely

Present and not voting, 1:

Lamb

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

LEGISLATIVE BILL 651.

A BILL FOR AN ACT relating to education; to amend section 71-1404, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain provisions relating to special education programs, crippled children, county school exhibits, school funds, and the school for the deaf; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 43-644, 71-1406, 79-4,140, 79-4,163, and 79-1413, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Clark
Fowler
Lamb

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 659. With Emergency.

A BILL FOR AN ACT relating to health and safety regulations; to define elevators as prescribed; to amend sections 48-418 and 48-418.12, Reissue Revised Statutes of Nebraska, 1943, and section 48-418.13, Revised Statutes Supplement, 1981; to provide for an elevator code; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Hefner
Lamb

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 697.

A BILL FOR AN ACT to amend section 2-960, Reissue Revised Statutes of Nebraska, 1943, relating to noxious weeds; to change provisions relating to protests of charges made by control authorities; to provide that hearings may be conducted by a designated representative of the director; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 705. With Emergency.

A BILL FOR AN ACT to amend section 76-711, Revised Statutes Supplement, 1980, and section 77-2711, Revised Statutes Supplement, 1981, relating to interest; to modify the rate of interest on certain interest and delinquent taxes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll

Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 716.

A BILL FOR AN ACT relating to rules of civil procedure; to provide that the Supreme Court shall promulgate rules of procedure for discovery in civil procedure; to amend section 27-705, Reissue Revised Statutes of Nebraska, 1943; to provide an operative date; and to repeal the original section, and also sections 25-1222.02 and 25-1267.01 to 25-1267.45, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT relating to courts; to provide for certification of questions of law to the Supreme Court; to provide procedures; to provide for certification of questions of law to certain foreign courts; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 779. With Emergency.

A BILL FOR AN ACT to amend sections 8-147 and 8-148.02, Reissue Revised Statutes of Nebraska, 1943, sections 8-152, Revised Statutes Supplement, 1980, and section 8-823, Revised Statutes Supplement, 1981, relating to banks and banking; to change provisions relating to bank borrowing; to change the amount of loans and investments permitted as prescribed; to change certain provisions relating to real estate loans; to provide for unequal payments on certain personal loans; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Burrows
Cullan
Higgins

Present and not voting, 1:

Beutler

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 774. With Emergency.

A BILL FOR AN ACT to amend section 79-1254.04, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for hearings before terminating or amending certain contracts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Barrett
Cullan
Hefner
Lamb
Stoney
Von Minden

Present and not voting, 1:

Apking

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 784.

A BILL FOR AN ACT to amend section 84-906.03, Revised Statutes Supplement, 1981, relating to state officers; to relieve the Revisor of Regulations of certain duties; to harmonize provisions; and to repeal the original section, and also section 84-906.06, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 792. With Emergency.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1981, relating to the State Fire Marshal; to provide for applicability of certain provisions as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 839.

A BILL FOR AN ACT to amend section 2-1213, Revised Statutes Supplement, 1981, relating to horse racing; to change provisions relating to registration of certain horses; to provide powers; to authorize a fee; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Newell

Present and not voting, 1:

Higgins

Excused and not voting, 6:

Chambers
Dworak
Haberman
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 877. With Emergency.

A BILL FOR AN ACT to amend section 60-411, Reissue Revised Statutes of Nebraska, 1943, and sections 60-406.04, Revised Statutes Supplement, 1981, relating to motor vehicles; to change provisions relating to temporary operators' licenses as prescribed; to change provisions relating to renewal of operators' licenses; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Haberman
Wagner

Excused and not voting, 5:

Chambers
Dworak
Marvel
Schmit
Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 931.

A BILL FOR AN ACT relating to state government; to define terms; and to provide for the collection of certain delinquent accounts as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Dworak
Marvel
Schmit
Vickers
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 941. With Emergency.

A BILL FOR AN ACT relating to loans; to state intent; to harmonize provisions; to amend section 45-114, Revised Statutes Supplement, 1980; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Dworak
Marvel
Schmit
Vickers
Wiitala

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 951 to Select File

Miss Kilgarin moved to return LB 951 to Select File for the following specific amendment:

Strike the enacting clause.

Miss Kilgarin asked unanimous consent to withdraw her pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 951.

A BILL FOR AN ACT relating to trusts and trustees; to provide fiduciaries with certain powers relating to common trust funds and investments as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 8:

Apking
Cullan
Kilgarin
Lamb
Nichol
Remmers
Warner
Wesely

Present and not voting, 2:

DeCamp
Sieck

Excused and not voting, 5:

Chambers
Dworak
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 961.

A BILL FOR AN ACT to amend section 72-1268, Revised Statutes Supplement, 1980, relating to the Nebraska Investment Council; to require banks and building and loan associations to cash state warrants as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Wiitala

Voting in the negative, 3:

Koch
Warner
Wesely

Present and not voting, 3:

Beutler
Kremer
Sieck

Excused and not voting, 5:

Chambers
Dworak
Marvel
Schmit
Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 962.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to livestock; to provide intent; to change provisions relating to agister's liens as prescribed; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 42:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Wesely	Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Beutler	Sieck

Excused and not voting, 5:

Chambers	Dworak	Marvel	Schmit	Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT LUEDTKE PRESIDING

EXPLANATION OF VOTES

Had I been present I would have voted as follows: "Aye" on LB's 571, 577, 601, 623, 651, 659, 697, 705E, 716, 724, 744E, 799E, 784, 792E, 839, 877E; and "nay" on 634CA.

(Signed) Rex Haberman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 18, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brilhart, John K. - Omaha, American Association of University Professors - UNO
Lewis, Rudy - Bellevue, (withdrawn 2-28-82), Lewis, Wineland, Lewis
Schultz, Ted - Lincoln, Nebraska Health Care Association
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, 3M Company

MOTION - Return LB 626 to Select File

Mr. Rumery moved to return LB 626 to Select File for his specific amendment found in the Journal on page 1258.

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Rumery motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 626. The Rumery specific amendment found in the Journal on page 1258 was adopted with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Mr. Clark requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 604A in the Journal. No objections. So ordered.

PURPOSE: To reduce the appropriation for operations and administrative expenses of the LB 309 Task Force for Building Renewal from $300,000 to $150,000, and provide a FY 1983-84 appropriation pursuant to Rule 8, Section 5.
AMENDMENT

1. Strike Section 1 and insert a new section:

"Section 1. There is hereby appropriated (1) $150,000 dollars from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $157,500 dollars from the General Fund for the period July 1, 1983, to June 30, 1984, to the Department of Administrative Services, for Program 573, Task Force for Building Renewal, to aid in carrying out the provisions of Legislative Bill 604, Eighty-Seventh Legislature, Second Session, 1982. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $105,000 for the period July 1, 1982, to June 30, 1983, nor $110,250 for the period July 1, 1983, to June 30, 1984."

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 591. Placed on Select File as amended.
E & R amendment to LB 591:
1. Pursuant to the H. Peterson amendment, on page 3, line 9, insert "or first" after "primary".

LEGISLATIVE BILL 520. Placed on Select File as amended.
E & R amendments to LB 520:
1. On page 5, line 26, strike the comma.
2. On page 6, lines 9 and 22, strike the comma.
3. On page 15, line 23, strike "by" and insert "~~by~~ from".
4. On page 18, line 10, strike "by" and insert "~~by~~ from".
5. In the title, line 9, strike "impose a fine" and insert "provide penalties".

LEGISLATIVE BILL 629. Placed on Select File as amended.
E & R amendment to LB 629:
1. On page 2, line 13, strike the comma.

LEGISLATIVE BILL 629A. Placed on Select File.
LEGISLATIVE BILL 759. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 577, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

MOTION - Reconsider LB 870

Mr. Beyer renewed his pending motion found in the Journal on page 1165 to reconsider LB 870.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Stoney requested a roll call vote on the Beyer motion to reconsider LB 870.

Voting in the affirmative, 30:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kremer
Labedz
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Warner
Wiitala

Voting in the negative, 14:

Burrows
Clark
Haberman
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Sieck
Wagner
Wesely

Present and not voting, 1:

Hoagland

Excused and not voting, 4:

Chambers
Dworak
Marvel
Vickers

The Beyer motion prevailed with 30 ayes, 14 nays, 1 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 765 in the Journal. No objections. So ordered.

1. On page 9, line 12, after "amount" insert ", except that no individual shall be disqualified under this subdivision if the Commissioner of Labor determines that such individual has voluntarily left his or her most recent work (1) to join his or her spouse at, or accompany his or her spouse to, a new residence and has clearly shown upon arrival at the new residence an immediate attempt to find work and that he or she is available for suitable work, (2) due to sexual harassment attributable to the employer or to conditions of employment maintained at the place of employment, or (3) because of his or her reasonable reliance on an offer of new employment".

SELECT FILE

LEGISLATIVE BILL 36. Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Apking
Burrows
Carsten
Chronister
DeCamp
Duda
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Lamb
Newell
Peterson, H.
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Beyer
Clark
Cope
Cullan
Fenger
Goll
Hoagland
Johnson, V.
Koch
Kremer
Landis
Marsh
Nichol
Peterson, R.
Remmers
Stoney

Present and not voting, 3:

Fowler
Labedz
Pirsch

Excused and not voting, 4:

Chambers
Dworak
Marvel
Vickers

Failed to advance to E & R for Engrossment with 24 ayes, 18 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 871. E & R amendments found in the Journal on page 1111 for the Forty-First Day were adopted.

Messrs. Landis, Newell, and Beutler offered the following amendment:

1. On page 6, strike beginning with the second comma in line 17 through the first comma in line 19 and insert "or industrial enterprises including"; and strike beginning with "and" in line 22 through the second comma in line 24.

2. On page 7, strike beginning with the comma in line 2 through line 3 and insert "or industrial enterprises; and"; and in line 4 strike "or substandard".

The amendment was adopted with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Schmit requested a machine vote on the advancement of the bill.

Mr. Landis moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 852. E & R amendments found in the Journal on page 1112 for the Forty-First Day were adopted.

Mr. Wagner renewed his pending amendment (1) found in the Journal on page 1134.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wagner renewed his pending amendment (2) found in the Journal on page 1134.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment found in the Journal on page 1248.

The amendment lost with 6 nays, 26 ayes, 14 present and not voting, and 3 excused and not voting.

Mr. Kremer offered the following amendment:

1. On page 11, line 23, after "seal" insert ", in compliance with the provisions of section 70-622".

2. on page 15, lines 16 and 23, after "of" insert "this state or".

3. On page 26, line 26, strike "conducting" and insert "consulting".

4. In the Standing Committee amendments, commencing on page 614 of the Journal, line 26, strike "article 10" and insert "articles 10 and 13".

5. Insert the following new section:

"Sec. 25. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

6. In the title, line 3, strike "and" and after "severability" insert "; and to declare an emergency".

The amendment was adopted with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 19, 1982, at 11:45 a.m., were the following bills: 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 257.

Introduced by Von Minden, 17th District.

WHEREAS, Dr. Lyle E. Seymour has served as president of Wayne State College since March, 1973; and

WHEREAS, Dr. Seymour has served Wayne State College for nearly thirty continuous years as a faculty member, division chairman, dean, vice-president, and president; and

WHEREAS, Dr. Seymour is retiring as Wayne State College's president this year and will begin work with the Wayne State Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the many years of dedicated service to Wayne State College of Dr. Lyle Seymour.
2. That the members of the Legislature express their best wishes to Dr. Seymour as he retires from the presidency of Wayne State College and begins his new position with the Wayne State Foundation.

Laid over.

VISITORS

Visitors to the Chamber were 41 students and teacher from Sandy Creek School, Fairfield; 16 students and teacher from Wolbach High School; 40 members of WIFE (Women Involved in Farm Economics);

31 Girl Scouts and sponsors from Western; members of the Kwanis Club; Fred L. Egler; Webb McNally; Dave Gerharter; and Roger L. Schultz.

RECESS

At 11:54 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dworak, Marvel, and Vickers; and Messrs. Beutler, Burrows, Chambers, Haberman, Kahle, Lamb, Newell, R. Peterson, Schmit, Warner, Mesdames Higgins, Labedz, Marsh, and Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 652. E & R amendments found in the Journal on page 1150 for the Forty-Second Day were adopted.

Messrs. Remmers and Sieck renewed their pending amendment found in the Journal on page 1207.

Mr. H. Peterson offered the following amendment to the Remmers-Sieck amendment:

In line 2 strike "the" insert "after 4 years."

The H. Peterson amendment lost with 7 ayes, 22 nays, 8 present and not voting, and 12 excused and not voting.

The Remmers-Sieck amendment lost with 20 ayes, 15 nays, 4 present and not voting, and 10 excused and not voting.

Mr. Hoagland moved to indefinitely postpone LB 652.

Mr. Koch moved for a Call of the House. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Laid over.

The Chair declared the Call raised.

LEGISLATIVE BILL 522. E & R amendments found in the Journal on page 1150 for the Forty-Second Day were adopted.

Mr. Kahle asked unanimous consent to have LB 522 laid over.

Mr. V. Johnson objected.

Mr. Kahle moved to have LB 522 laid over.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Kahle motion lost with 13 ayes, 20 nays, 10 present and not voting, and 6 excused and not voting.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 7 nays, and 24 not voting.

Mr. Chronister asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Beutler
Burrows
Carsten
Chambers
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Pirsch
Rumery
Sieck
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Beyer
Clark
Cope
Hefner
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden

Wagner Warner

Excused and not voting, 4:

Chronister Dworak Marvel Vickers

Advanced to E & R for Engrossment with 28 ayes, 17 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Messrs. Schmit and Koch asked unanimous consent to be excused for the remainder of the day.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 688 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Section 1. That section 5-108, Revised Statutes Supplement, 1980, be amended to read as follows:

5-108. When any city, village, county, or school district elects members of any governing board by districts, such districts shall be substantially equal in population, as determined by the most recent federal census. Any such city, village, county, or school district in existence at the time the most recent federal census was completed shall redistrict within six months after the completion of such census and in the event it fails to do so the procedures set forth in section 5-108.02 shall be followed. Until such time as redistricting is completed pursuant to this section, membership on the governing board shall remain on an at-large basis. The provisions of this section shall apply to all counties, notwithstanding the limitations on alteration of districts contained in section 23-151. When any new city, village, county, or school district is established or the number of board members has changed, members of the governing board shall be at large until such time as districts are established pursuant to this section.

Any city, except a city under a home rule charter, village, county, or school district ~~electing members to its governing body at large~~ may at a general election submit to the voters the question of ~~electing~~ whether to elect members to its governing body by district or ward or at large, except that such question shall not be submitted more than once every three years.

~~Any city, except a city under a home rule charter, village, county, or school district electing members to its governing body by district or ward may at a general election submit the question of electing members to its governing body at large.~~

Petitions for submission of the question shall be prepared, circulated, and signed by registered electors of the city, village, county, or school district desiring to change the procedures for electing its governing body. The petition or petitions shall be signed by registered electors equal in number to twenty-five per cent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing body. Each sheet of the petition shall have printed the full and correct copy of the question as it shall appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election and no signatures shall be added or removed from the petitions after they have been so filed.

If the petition or petitions are found to contain the required number of valid signatures, it shall be the duty of the county clerk or election commissioner to place the question on a separate ballot to be issued to the electors of the city, village, county, or school district entitled to vote on such question.

Any city, village, county, or school district voting to change from electing the members of its governing body by district or ward to at large shall notify the public and instruct the filing officer to accept all filings on an at-large basis. Candidates shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

Any city, village, county, or school district voting to change from electing the members of its governing body at large to electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected on a district or ward basis at the next primary and general election following submission of the question. When the question for district or ward elections has been approved by the majority of the electorate, the governing body of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal census.

Each city, except a city under a home rule charter, village, county, and school district which votes to elect members to its governing body by district or ward shall establish districts or wards so that the members of its governing body may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing body fails to redistrict by October 1, any registered elector or group of registered electors may file suit in the proper court of the county for removal of the governing body for failure to comply with the provisions of this section. All vacancies because of removal shall be filled as provided by law.''.

2. On page 3, line 20, after ''original'' insert ''section 5-108, Revised Statutes Supplement, 1980, and''; and in line 21 strike ''is'' and insert ''are''.

3. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

4. In the title strike lines 2 to 6 and insert:
''FOR AN ACT relating to elections; to amend section 5-108, Revised Statutes Supplement, 1980, and section 79-902.01, Revised Statutes Supplement, 1981; to change certain provisions relating to elections as prescribed; to change certain provisions relating to Class IV school districts; and to repeal the original sections.''.

Mr. Fowler asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

In the DeCamp/Peterson amendment, on line 10, page 1, add ''or that the students attending the institutions do not receive educational assistance or services funded by state, local, or federal funds''

Messrs. Hoagland, Beyer, and Sieck asked unanimous consent to print the following amendment to LB 480 in the Journal. No objections. So ordered.

Req. #2810

1. In the Standing Committee amendments:

a. On page 4, reinstate the stricken matter beginning with ''born'' in line 2 through the semicolon in line 5; and strike beginning with ''Any'' in line 22 through the period in line 24 and insert ''Interests passing to the surviving spouse by will, in the manner set forth in section 77-2002, or in any other manner shall not be subject to tax.”.

b. Insert the following new sections:

“Sec. 3. That section 77-2003, Revised Statutes Supplement, 1980, be amended to read as follows:

77-2003. The tax imposed upon transfers under sections 77-2001 and 77-2002 shall be paid to the treasurer of the proper county and all heirs, legatees and devisees, personal representatives, other recipients of property subject to tax, and trustees shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. This tax shall be a lien on the real property subject thereto until paid or otherwise terminated pursuant to section 77-2037, except that no interest in any property passing from the decedent to the decedent's surviving spouse shall be subject to the lien.

Sec. 6. That section 77-2102, Revised Statutes Supplement, 1981, be amended to read as follows:

77-2102. The estate tax imposed by sections 77-2101, 77-2101.01, and 77-2102 to 77-2107 shall become due and payable to the State Treasurer of Nebraska within twelve months from the date of the death of the decedent. The limitation of time during which a tax return, for the purpose of this tax, shall be open to inspection and examination shall be three years from the date of filing the same. Personal representatives, trustees, grantees, donees, beneficiaries, surviving joint owners, and other recipients of property subject to tax, shall be and remain liable for the tax until it is paid. If the tax indicated by the return of the taxpayer is not paid when due, interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be charged and collected from the date the same became payable. This tax shall be a lien on the real property subject thereto until the first to occur of: (1) Payment; (2) ten years from the date of death of the decedent; or (3) the release or discharge of any lien pursuant to section 77-2039, except that no interest in any property passing from the decedent to the decedent's surviving spouse shall be subject to the lien.”.

c. On page 6, line 13, strike “and 8” and insert “4, 6, and 10”; in line 24 strike “and section” and insert “sections 77-2003 and”; and in line 25 after “1980,” insert “and section 77-2102, Revised Statutes Supplement, 1981,”.

d. Renumber sections 3, 4, and 5 to 8 as sections 4, 5, and 7 to 10 respectively.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 687 in the Journal. No objections. So ordered.

1. On page 3, lines 10 and 11, strike the new matter and reinstate the stricken matter; and in line 11 after "county" insert "with a population of more than twenty thousand persons".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 428 and 626.

Correctly Engrossed

The following bill was correctly engrossed: 571.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 428

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 428:

1. In lieu of the first Beutler amendment of 3/18, on page 2, line 17, "shall" has been stricken and "may" reinserted.
2. On page 10, line 20, "a" has been changed to "an".

Enrollment and Review Changes to LB 571

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 571:

1. Because of the Clark amendment adopted 3/19, the earlier E & R statement is withdrawn.
2. Show the matter stricken by the Clark amendment adopted 3/19, as stricken.

(Signed) Emory P. Burnett
E & R Attorney

ANNOUNCEMENT

Mr. Lamb announced the following concerning Interim Study Resolutions:

During the 1980 and 1981 Sessions, the Executive Board adopted certain policies and procedures regarding the handling of Interim

Study Resolutions. The Executive Board has modified that policy in that the Committees will not be asked to develop a "Study Proposal" as they have before. The Committees are to develop a priority listing of all Resolutions initially referred to them. Any expenditures of Legislative Council funds for items outside the normal expense must be submitted to the Board for approval prior to the expenditure of those funds. The following timetable has been established:

1. The deadline for introduction of Study Resolutions will be Tuesday, April 6, 1982.
2. The Executive Board will make a preliminary non-binding reference recommendation of all Interim Study Resolutions by Wednesday, April 7, 1982. Dr. Rodgers will make the Reference Report recommendation.
3. Based upon the preliminary references to the Executive Board, the Committees are to develop a rank order listing with the highest priority Resolution listed as No. 1. The listing must be submitted to the Board by April 13, 1982. The Executive Board will then consider the priority listings and submit a final reference report to the Legislature by April 14, 1982. It is anticipated that no more than four (4) Study Resolutions will be referred to any particular committee for study.

SELECT FILE

LEGISLATIVE BILL 573. E & R amendments found in the Journal on page 1209 for the Forty-Fourth Day were adopted.

Messrs. Wesely and Kremer renewed their pending amendment found in the Journal on page 1099.

Mr. Wesely moved for a Call of the House. The motion prevailed with 16 ayes, 15 nays, and 18 not voting.

Mr. Wesely requested a roll call vote on the amendment.

Voting in the affirmative, 17:

Beutler
Burrows
Chambers
Cope
Cullan
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Kremer
Labedz
Landis
Newell
Rumery
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Carsten
Clark
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner

Present and not voting, 5:

DeCamp
Kahle
Pirsch
Sieck
Wagner

Excused and not voting, 6:

Chronister
Dworak
Koch
Marvel
Schmit
Vickers

The Wesely-Kremer amendment lost with 17 ayes, 21 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

(Amendments to Standing Committee amendments, Req. 2626)

1. On page 2, line 6, after "unless" insert "(a)"; in line 8, strike "or" and insert ", (b)"; in line 9, strike "unless"; in line 10, strike "subsection (3)" and insert "subsections (2) to (4)"; and in line 11 after "section" insert ", or (c) the commission declares that the company shall be subject to rate regulation by the commission pursuant to subsection (5) of this section".

2. On page 3, line 4, strike the second "rates" and insert "rate change"; in line 5 after "company" insert "pursuant to subsection (2) of this section"; in line 22, strike "rates" and insert "rate change"; in line 24, strike "purusant" and insert "pursuant to subsections (2) to (4) of"; and after line 25 insert the following new subsection:

"(5) In addition to the procedure for petition prior to any proposed rate change pursuant to subsections (2) to (4) of this section, the subscribers of a telephone company not subject to the commission's rate regulation may at any time petition the commission to declare that the company shall be subject to such rate regulation. If the commission determines that at least fifty-one per cent of a company's subscribers have properly petitioned that the company be subject to the commission's rate regulation, the commission shall certify such fact to the company and thereafter the company shall be subject to rate regulation by the commission until at least fifty-one per cent of the company's subscribers properly petition that the company no longer shall be subject to the commission's rate regulation. The commission shall adopt and promulgate rules and regulations governing the petition procedure and the form of such petitions and a petition substantially in compliance with such rules and regulations shall not be deemed invalid due to minor errors in its form.".

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment:
In Section 2 on Line 8 after the word or add "if the proposed increase exceeds 30 per cent in any one year, or"

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 633. E & R amendments found in the Journal on page 1210 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 668. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 751. E & R amendment found in the Journal on page 1210 for the Forty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 875. E & R amendments found in the Journal on page 1210 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 714. E & R amendments found in the Journal on page 1210 for the Forty-Fourth Day were adopted.

Mr. Fenger renewed his pending amendment, Req. #2818, found in the Journal on page 1174.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Fenger renewed his pending amendment found in the Journal on page 1258.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 790. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 766. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 605. Mr. Koch renewed his pending amendment, Req. #2777, found in the Journal on page 1053.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 739. Mr. Goodrich offered the following Vickers amendment:

Page 2, line 13, following the second "the", insert "current".

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 952. Mr. Beutler requested a machine vote on the advancement of the bill.

Mr. Newell moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 743. Mr. Warner offered the following amendment:

1. On page 6, line 21, after "and" insert "', except when land receiving special assessment as agricultural use land immediately prior to the effective date of this act becomes disqualified on the effective date of this act solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by LB 743, Eighty-seventh Legislature, First Session,".

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
Strike the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

LEGISLATIVE BILL 869. E & R amendment found in the Journal on page 1059 for the Thirty-Ninth Day was adopted.

Mr. Chambers moved to indefinitely postpone LB 869.

Messrs. Barrett and Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his motion.

Voting in the affirmative, 7:

Burrows
Chambers
Johnson, V.
Landis
Nichol
Sieck
Wagner

Voting in the negative, 21:

Apking
Beyer
Carsten
Cope
Cullan
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kilgarin
Newell
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner
Wesely

Present and not voting, 14:

Beutler
Clark
DeCamp
Duda
Fowler
Higgins
Hoagland
Kremer
Labedz
Lamb
Marsh
Pirsch
Rumery
Wiitala

Excused and not voting, 7:

Barrett
Chronister
Dworak
Koch
Marvel
Schmit
Vickers

The Chambers motion lost with 7 ayes, 21 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Mr. Stoney moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 892. Mr. Haberman renewed the Koch pending amendment found in the Journal on page 1052.

The amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 258.

Introduced by Cullan, 49th District; Wesely, 26th District; Rumery, 42nd District.

WHEREAS, 13,900 citizens of the State of Nebraska now receiving railroad retirement benefits are entitled to reasonable protection of the retirement benefits which they expect to receive; and

WHEREAS, 18,853 railroad employees in Nebraska are now working for and contributing to the railroad retirement system with the expectation of reasonable protection of their retirement benefits; and

WHEREAS, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to abolish the Railroad Retirement Board; and

WHEREAS, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to shift tier one benefit payments to railroad retirees to the Social Security Administration, and to convert tier two benefit payments to railroad retirees to a privately negotiated system; and

WHEREAS, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal for reducing dual benefit payments to railroad retirees already earned; and

WHEREAS, the budget proposed by the President of the United States for fiscal year 1983 contains a proposal to disband the railroad retirement field service system.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the President of the United States and the 97th Congress to proceed with utmost caution to preserve the reasonable expectations and rights of those who have, or presently, are earning railroad retirement benefits.
2. That any major changes in the railroad retirement system be designed on a sound actuarial basis.
3. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska Congressional delegation, the Speaker of the United States House of Representatives, and the President of the United States Senate.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 743 in the Journal. No objections. So ordered.

Req. #2856

1. Insert the following new sections:

"Section 1. That section 77-202.03, Revised Statutes Supplement, 1981, be amended to read as follows:

77-202.03. (1) When real or tangible personal property except motor vehicles has been exempted from taxation as provided by sections 77-202.01 to 77-202.07, it shall continue to be exempt for a period of four years from January 1 of the year following adoption of sections 77-202.01 to 77-202.07; Provided, that each owner of real or tangible personal property except motor vehicles so exempt shall file an affidavit with the county assessor by January 1 of each intervening year certifying that the use of each exempted real or tangible personal property except motor vehicles has not changed during the year. On or before the expiration of such exemption, a new application shall be filed on which the procedure shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07. ~~, except that in the year 1976 such new application shall be filed on or before April 1, and the county assessor's recommendation to the county board of equalization shall be made on or before April 15.~~ If any person, corporation, or organization shall seek a new tax exemption for any real or tangible personal property except motor vehicles in any ~~intervening~~ year, he, she, or it shall apply on or before September 15 of ~~any such intervening year~~ the year of application as provided in section 77-202.01 and procedure thereon shall be the same as provided for other applications under the provisions of sections 77-202.01 to 77-202.07, except that for the ~~intervening year~~ new exemption the exempt use shall be determined as of the date of levy in the year, and the exemption shall continue for the same period and under the same conditions ~~as if it had been granted on an application which had been filed before January 1, 1964, if such application is filed before January 1, 1968, or~~ as if it had been granted on an application whch had been filed in accordance with the second sentence of this section, on or before the expiration of an exemption previously granted. ~~, if such application is filed on or after January 1, 1968; Provided, that the~~ The county assessor and the county board may cause ~~such~~ any exemption to be reviewed in any year to determine whether the exemption should be continued and may do so even if the use of the property has not changed from when a previous exemption may have been granted, which review shall proceed as on an application under section 77-202.02 and in any year after a hearing on the matter, the county board upon recommendation by the county assessor shall have the authority to place any property on the tax rolls retroactive to January 1 of that year if, on the levy date of that year, such property no longer qualifies for an exemption. Such hearing shall proceed as on an application under section 77-202.02.

(2) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation in that year pursuant to sections 77-202 to 77-202.07, except real estate owned by the state or its governmental subdivisions. Such list shall be grouped into categories as provided by the Tax Commissioner, which categories shall identify the type of ownership and such list shall identify the organization, the municipality, if any, in which the property is located, and the number of parcels of real estate exempted. A copy of the list shall be forwarded to the Department of Revenue.

Sec. 7. That section 77-3510, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3510. On or before January 1 of each year, the Tax Commissioner shall prescribe suitable blank forms to be used by all claimants for homestead exemption or for transfer of homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the proper county officials to determine whether each claim for exemption under sections 77-3506, 77-3508, and 77-3509 should be allowed, ~~and~~ (2) enable the Tax Commissioner to determine whether each claim for exemption under section 77-3507 should be allowed, and (3) enable the county assessor to determine whether each claim for transfer of homestead exemption pursuant to section 11 of this act should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption or for transfer of homestead exemption on property located within that county. The forms so prescribed shall be used uniformly throughout the state and no application for exemption or for transfer of homestead exemption shall be allowed unless the applicant uses the regularly prescribed form in making an application.

Sec. 8. That section 77-3511, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3511. The application for homestead exemption or for transfer of homestead exemption shall be signed and sworn to by the owner of the property unless the owner is an incompetent, in which case it shall be signed and sworn to by the guardian. The county assessor, his or her duly appointed deputies, and notaries public are authorized to adminster such oaths.

Sec. 9. That section 77-3514, Revised Statutes Supplement, 1980, be amended to read as follows:

77-3514. The owner of a homestead which has been granted an exemption under sections 77-3506 to 77-3509 shall notify the county assessor by March 15 of each year of any change in the homestead exemption status occurring in the preceding year. In addition, in counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 shall notify the county assessor by September 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 10 and 11 of this act. If, by his or her failure to give such notice, any such property owner permits the allowance of the homestead exemption for any succeeding year, or for that year in the case of transfers pursuant to sections 10 and 11 of this act, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall, upon entry of the amount thereof on the books of the county treasurer, be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any other property in this state for the two succeeding years.

Sec. 10. In counties having a population greater than three hundred thousand, if the owner of any homestead granted an exemption under sections 77-3507 to 77-3509 transfers the ownership of such homestead on or before September 15 of any year, such exemption shall be disallowed for that year if the exemption was granted based on the status of that owner.

Sec. 11. In counties having a population greater than three hundred thousand, the owner of a homestead which has been granted an exemption provided in sections 77-3507 to 77-3509, who transfers the ownership of such homestead and becomes the owner of another homestead within the county prior to September 15 during the year for which the exemption was granted, may file an application with the county assessor on or before September 15 of such year, for a transfer of the exemption to the new homestead. The county assessor shall examine each application and determine whether or not the new homestead, except for the January 1 occupancy requirement, is a homestead as defined in section 77-3502. If the application is approved by the county assessor, he or she shall make a deduction upon the assessment rolls using the same criteria as previously applied to the original homestead. The county assessor may allow the application for transfer to also be considered an application for a homestead exemption for the subsequent year.".

2. On page 7, line 19, after the second comma insert "sections 77-3510, 77-3511, and 77-3514, Revised Statutes Supplement, 1980, and section 77-202.03, Revised Statutes Supplement, 1981,".

3. In the title strike beginning with "relating" in line 4 through "lands" in line 5 and insert "sections 77-3510, 77-3511, and 77-3514, Revised Statutes Supplement, 1980, and section 77-202.03, Revised Statutes Supplement, 1981, relating to revenue and taxation; to change provisions relating to exemption of personal property as prescribed"; and in line 8 after the semicolon insert "to provide for homestead exemption

application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for the transfer of homestead exemptions;".

4. Renumber original sections 1 to 5, 6, and 7 as sections 2 to 6, 12, and 13 respectively.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 626 in the Journal. No objections. So ordered.

Req. #2857

(Final Reading Second)

1. On page 9, line 12, before "or" insert "(3) a bank holding company as defined or referred to in 12 U.S.C. 1842(d), as amended, which is not a subsidiary of a bank or a bank holding company and which is incorporated and domiciled in a state contiguous to Nebraska, and which state authorizes the acquisition or control of banks in that state by such bank holding companies incorporated and domiciled in Nebraska," in line 12 strike "(3)" and insert "(4)"; and strike beginning with "and" in line 23 through "state" in line 26.

2. On page 10 strike beginning with the first comma in line 1 through "associations" in line 2; in line 8 after "company" insert "in this state"; and strike beginning with "Any" in line 12 through line 13 and insert "A bank holding company, as described in subdivision (1) or (2) of this section, which has its principal place of business in Nebraska and which is not a subsidiary of a bank or a bank holding company"; in line 21 after the underscored period insert "A bank holding company as described in subdivision (3) of this section shall be allowed to own or control not more than two banks located in the State of Nebraska commencing on January 1, 1984, and thereafter the maximum number of banks that such a bank holding company may own or control shall be increased by two each year for the years beginning January 1, 1985, and January 1, 1986, and shall be increased by one each year beginning January 1, 1987, up to a maximum number of nine such banks on December 31, 1989, or thereafter."; in line 21 strike "An existing out-of-state" and insert "A"; in line 22 after "in" insert "subdivision (4) of"; and strike beginning with "be" in line 22 through "increased" in line 27 and insert "not be allowed to own or control any additional banks during the period commencing on the effective date of this act through December 31, 1983, but such a bank holding company may increase the banks it owns or controls".

Messrs. DeCamp, Remmers, Landis, Wiitala, Sieck, and H. Peterson asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

Req. #2652

(Amendments to Req 2652)

1. On page 2, line 1, after "that" insert "(a)"; and in line 4 after "school" insert "and (b) (i) commencing in school year 1982-83, the teachers retained or employed to teach grades kindergarten through nine have completed six college semester hours or the equivalent thereto and the teachers retained or employed to teach grades ten through twelve have completed twelve college semester credit hours or the equivalent thereto, (ii) commencing in school year 1983-84 the teachers retained or employed to teach grades kindergarten through nine have completed twenty college semester credit hours or the equivalent thereto and the teachers retained or employed to teach grades ten through twelve have completed forty college semester credit hours or the equivalent thereto, (iii) commencing in school year 1984-85 the teachers retained to teach kindergarten through nine have completed forty college semester credit hours or the equivalent thereto and the teachers retained or employed to teach grades ten through twelve have completed eighty college semester credit hours or the equivalent thereto, and (iv) commencing in school year 1985-86 and each school year thereafter, the teachers retained or employed to teach kindergarten through grade nine have completed sixty college semester credit hours or the equivalent thereto and the teachers retained or employed to teach grades ten through twelve have completed one hundred twenty college semester credit hours or the equivalent thereto. The certification of the lay governing board as to the number of college semester credit hours completed by the teachers of the school shall contain information sufficient to allow the State Department of Education to verify the qualifications of each teacher retained or employed by the board".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 522A. By V. Johnson, 8th District; Cullan, 49th District.

This bill introduced on behalf of: LB 522

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 522, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

LEGISLATIVE BILL 970A. By Warner, 25th District.
This bill introduced on behalf of: LB 970.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 970, Eighty-seventh Legislature, Second Session, 1982; to provide severability; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. V. Johnson asked unanimous consent to be excused Monday, March 22, 1982. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Goll's brother and wife, Mr. and Mrs. Dick Goll from Tekamah; and Darrell, Judy, John, and Darren Nelsen.

ADJOURNMENT

At 4:13 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:30 a.m., Monday, March 22, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 22, 1982

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 22, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 22, 1982

Pursuant to adjournment, the Legislature met at 9:32 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Marvel, H. Peterson, and Stoney who were excused; and Messrs. Beutler, Chambers, Haberman, Schmit, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1305, line 26, after "577" insert "601".
Page 1307, line 23, strike "**LEGISLATIVE BILL 871.**" and insert "**LEGISLATIVE BILL 817.**"
The Journal for the Forty-Sixth Day was approved as corrected.

REPORT

Received annual report from Department of Public Institutions.

RESOLUTIONS

LEGISLATIVE RESOLUTION 242. Read. Considered.

Mr. Carsten asked unanimous consent to have his name added as co-introducer to LR 242. No objections. So ordered.

LR 242 was adopted with 35 ayes, 0 nays, and 14 not voting.

LEGISLATIVE RESOLUTION 245. Read. Considered.

LR 245 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 246. Read. Considered.

LR 246 was adopted with 32 ayes, 1 nay, and 16 not voting.

LEGISLATIVE RESOLUTION 247. Read. Considered.

LR 247 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 251. Read. Considered.

LR 251 was adopted with 29 ayes, 1 nay, and 19 not voting.

LEGISLATIVE RESOLUTION 252. Read. Considered.

LR 252 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 254. Read. Considered.

Senators Apking, Barrett, Beutler, Beyer, Burrows, Carsten, Chronister, Clark, Cope, Cullan, DeCamp, Duda, Dworak, Fenger, Fowler, Goll, Goodrich, Haberman, Hefner, Higgins, Hoagland, L. Johnson, Kahle, Kilgarin, Kremer, Labedz, Lamb, Landis, Marsh, Newell, Nichol, R. Peterson, Pirsch, Remmers, Rumery, Schmit, Sieck, Vickers, Von Minden, Wagner, Warner, Wesely, and Wiitala asked unanimous consent to have their names added as co-introducers to LR 254. No objections. So ordered.

LR 254 was adopted with 39 ayes, 0 nays, and 10 not voting.

EXPLANATION OF VOTE

If I had been present 3/19/82, I would have voted aye on LB's 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

I would have voted nay on LB 577.

(Signed) Donald Dworak

ATTORNEY GENERAL'S OPINION

Opinion No. 219
March 19, 1982

Dear Senator Haberman:

You have asked whether there are any constitutional problems with respect to LB 890, which would amend Neb.Rev.Stat. §77-27,119 (Supp. 1981). We believe there is no problem with the general purpose of the bill, but the language needs to be clarified, to resolve some uncertainties now present.

Section 77-27,119 now requires that a state income tax return shall have a place where the taxpayer shall designate the school district in which he or she lives and the county in which the district is located. LB 890 would amend this section by adding the following language: "Commencing with the taxable year 1982, the amount of twenty dollars will be added to the amount required to be shown on the return if, after one request by the commissioner, such return does not include the school district information required by this subsection."

In State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980), the court said that the test for vagueness in a statute was whether it either forbade or required the doing of an act in terms so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application. The first vagueness we notice in the bill is in the term, "the amount required to be shown on the return." In looking over the 1981 return, we see at least ten different amounts required to be shown, including federal adjusted gross income, federal taxable income, federal income tax before credits, and Nebraska income tax. We assume it is the latter figure which was intended, but the language of the amendment does not require that conclusion.

Also, the bill requires the addition of the penalty if, after one request, "such return" does not include the required information. Obviously, the return filed is not going to be sent back to the taxpayer for the insertion of the information on the school district. The information will be furnished by the completion and return of some supplemental form. We believe it should be made clear that it is the failure to furnish the information to the Tax Commissioner upon request which will result in the penalty.

We think you also should consider the situation where, by mistake or typographical error, the wrong information is put in the return, or given in response to the Tax Commissioner's request. If it is put in the original return, it will probably not be discovered until, somehow, the Tax Commissioner finds out what the actual school district is, so he won't make his request until such time, at which time he may already have the information requested. Obviously, however, under the bill as written, the twenty dollar penalty cannot be assessed until a request has been made, and the taxpayer has failed to respond. If wrong information in response to a request is to be treated as a failure to respond, the statute should make it clear.

The bill does not specify the details about the request for information by the Tax Commissioner, the response by the taxpayer, the time within which such response must be received, nor the procedure for assessing the twenty dollar penalty in the event of failure of proper response. However, the bill requires the Tax Commissioner to adopt and promulgate rules and regulations to insure compliance with the requirement contained in §77-27,119(2), and we believe such rules and regulations can properly supply those details.

If the bill is clarified in the areas we have discussed, we believe it can be sustained against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 259 to Select File

Mr. Haberman moved to return LB 259 to Select File for his specific amendment found in the Journal on page 1206.

Mr. Haberman asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to education; to change provisions relating to tenure as prescribed; to provide for notice and a hearing; to define terms; to eliminate school districts from certain contract provisions; to eliminate certain existing tenure and employment provisions; to amend section 79-1254.02, Revised Statutes Supplement, 1980; to provide an operative date; and to repeal the original section, and also sections 79-1254, 79-1254.04, and 79-1255 to 79-1262, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Apking

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 642.

A BILL FOR AN ACT to amend section 79-445, Revised Statutes Supplement, 1980, relating to schools; to eliminate the payment of tuition for certain children as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 644.

A BILL FOR AN ACT to amend section 77-2353.01, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change certain provisions relating to investments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmitive, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 678.

A BILL FOR AN ACT to amend section 89-193, Reissue Revised Statutes of Nebraska, 1943, relating to weights and measures; to change provisions relating to delivery tickets; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 696.

A BILL FOR AN ACT to amend section 80-111, Reissue Revised Statutes of Nebraska, 1943, relating to veterans' aid; to transfer assets of an obsolete fund; and to repeal the original section.

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 767. With Emergency.

A BILL FOR AN ACT to amend sections 81-909, 81-912, 81-914, and 81-916 to 81-918, Revised Statutes Supplement, 1981, relating to state administrative departments; to provide for a transfer of duties and personnel from the Military Department to the Department of Correctional Services; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch

Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 767A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 767, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 775.

A BILL FOR AN ACT to amend section 21-17,116, Reissue Revised Statutes of Nebraska, 1943, and section 21-17,120.01, Revised Statutes Supplement, 1981, relating to credit unions; to remove a limitation on group life insurance policies; to provide state credit unions with the same privileges as federal credit unions; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Sieck

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 776.

A BILL FOR AN ACT relating to state-chartered financial institutions; to require certain institutions to maintain insurance or guaranty of their shares, savings, certificates of indebtedness, or deposits, as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 828. With Emergency.

A BILL FOR AN ACT to amend section 43-907, Reissue Revised Statutes of Nebraska, 1943, relating to infants; to change a provision relating to children's assets as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
Fowler

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 845. With Emergency.

A BILL FOR AN ACT to amend section 79-1061, Reissue Revised Statutes of Nebraska, 1943, relating to Class V school districts; to change provisions relating to conveyance of certain school land; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Remmers

Excused and not voting, 4:

Johnson, V.	Marvel	Peterson, H.	Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Suspend Rules

Messrs. Hefner and Von Minden moved to suspend the rules, Rule 8, Section 5, to permit consideration of LB 631 on final reading.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Hefner-Von Minden motion prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Withdraw Amendment to LB 631

Mr. Dworak asked unanimous consent to withdraw his pending amendment to LB 631 found in the Journal on page 990. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 631. With Emergency.

A BILL FOR AN ACT to amend sections 2-1207 and 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, relating to horse racing; to change taxing provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Apking	Burrows	Cope	Fenger	Hefner
Barrett	Carsten	DeCamp	Goll	Higgins
Beutler	Chronister	Duda	Goodrich	Johnson, L.
Beyer	Clark	Dworak	Haberman	Kahle

Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 6:

Chambers
Cullan
Hoagland
Kremer
Vickers
Wesely

Present and not voting, 1:

Fowler

Excused and not voting, 4:

Johnson, V.
Marvel
Peterson, H.
Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION

LEGISLATIVE RESOLUTION 259.

Introduced by Haberman, 44th District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure the hard work and struggles associated with significant accomplishments; and

WHEREAS, the Plainsmen of Perkins County High School at Grant won their second consecutive Class C Championship at the Boy's State High School Basketball Tournament this year; and

WHEREAS, the members of the Perkins County High School at Grant boy's basketball team are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Perkins County High School at Grant boy's basketball team.

2. That the Legislature congratulates and extends best wishes to the 1982 Class C boy's high school basketball champions and their coach Doyle Denney.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 259, 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845, and 631.

MOTION - Place LB 731 on General File

Messrs. DeCamp and Schmit renewed their pending motion found in the Journal on page 1242 to place LB 731 on General File.

Mr. DeCamp asked unanimous consent to withdraw the pending motion. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 36A. Title read. Considered.

Mr. Schmit moved to indefinitely postpone LB 36A.

The motion prevailed with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 404A. Title read. Considered.

Mr. Fowler renewed his pending amendment found in the Journal on page 223.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 488A. Title read. Considered.

Mr. Goodrich moved to indefinitely postpone LB 488A.

The motion lost with 9 ayes, 20 nays, 15 present and not voting, and 5 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 714A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 609A. Title read. Considered.

Mrs. Marsh offered the following amendment:

Strike original Sections 1 and 2 and insert the following:

"Section 1. There is hereby appropriated for the period of July 1, 1983, to June 30, 1984, to the Department of Education for each program the amounts shown from the respective funds to aid in carrying out the provisions of Legislative Bill 609.

(1) Program No. 25 - Departmental Administration

GENERAL FUND	2,773
FEDERAL FUND est.	1,189
PROGRAM TOTAL	3,962

(2) Program No. 55 - Private and Vocational Schools and Veterans' Education

FEDERAL FUND est.	850

(3) Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

GENERAL FUND	568
FEDERAL FUND est.	814
PROGRAM TOTAL	1,382

(4) Program No. 188 - Fire Safety

GENERAL FUND	414

(5) Program No. 292 - Special Education

GENERAL FUND	2,433
FEDERAL FUND est.	1,361
PROGRAM TOTAL	3,794

(6) Program No. 294 - Vocational Education

GENERAL FUND	2,016
FEDERAL FUND est.	2,539
PROGRAM TOTAL	4,555

(7) Program No. 351 - Vocational Rehabilitation

GENERAL FUND	1,739
FEDERAL FUND est.	6,955
PROGRAM TOTAL	8,694

(8) Program No. 352 - Old Aged Survivors Insurance Disability Determinations

FEDERAL FUND est.	3,474

(9) Program No. 401 - Nebraska School for the Deaf

GENERAL FUND	17,145
CASH FUND	4,054
FEDERAL FUND est.	2,164
PROGRAM TOTAL	23,363

(10) Program No. 402 - Nebraska School for the Visually Handicapped

GENERAL FUND	13,594
FEDERAL FUND est.	626
PROGRAM TOTAL	14,220

(11) Program No. 508 - School Assistance and Support

GENERAL FUND	5,967
FEDERAL FUND est.	910
PROGRAM TOTAL	6,877

(12) Program No. 614 - Professional Practices Commission

CASH FUND	532

(13) Program No. 642 - Instructional Television

GENERAL FUND	1,123

For Informational Purposes Only: Total Appropriations to Agency No. 13 and Fund Source

GENERAL FUND	47,772
CASH FUND	4,586
FEDERAL FUND est.	20,882
AGENCY TOTAL	73,240

Section 2. There is hereby appropriated for the period of July 1, 1984, to June 30, 1985, to the Department of Education for each program at the amounts shown from the respective funds to aid in carrying out the provisions of Legislative Bill 609.

(1) Program No. 25 - Departmental Administration

GENERAL FUND	2,773
FEDERAL FUND est.	1,189
PROGRAM TOTAL	3,962

(2) Program No. 55 - Private and Vocational Schools and Veterans' Education

FEDERAL FUND est.	850

(3) Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

GENERAL FUND	568
FEDERAL FUND est.	814
PROGRAM TOTAL	1,382

(4) Program No. 188 - Fire Safety	
GENERAL FUND	414
(5) Program No. 292 - Special Education	
GENERAL FUND	2,433
FEDERAL FUND est.	1,361
PROGRAM TOTAL	3,794
(6) Program No. 294 - Vocational Education	
GENERAL FUND	2,016
FEDERAL FUND est.	2,539
PROGRAM TOTAL	4,555
(7) Program No. 351 - Vocational Rehabilitation	
GENERAL FUND	1,739
FEDERAL FUND est.	6,955
PROGRAM TOTAL	8,694
(8) Program No. 352 - Old Aged Survivors Insurance Disability Determinations	
FEDERAL FUND est.	3,474
(9) Program No. 401 - Nebraska School for the Deaf	
GENERAL FUND	17,145
CASH FUND	4,054
FEDERAL FUND est.	2,164
PROGRAM TOTAL	23,363
(10) Program No. 402 - Nebraska School for the Visually Handicapped	
GENERAL FUND	13,594
FEDERAL FUND est.	626
PROGRAM TOTAL	14,220
(11) Program No. 508 - School Assistance and Support	
GENERAL FUND	5,967
FEDERAL FUND est.	910
PROGRAM TOTAL	6,877
(12) Program No. 614 - Professional Practices Commission	
CASH FUND	532
(13) Program No. 642 - Instructional Television	
GENERAL FUND	1,123
For Informational Purposes Only: Total Appropriations to Agency No. 13 and Fund Source	
GENERAL FUND	47,772
CASH FUND	4,586
FEDERAL FUND est.	20,882
AGENCY TOTAL	73,240"

The amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

MR. CLARK PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 260.

Introduced by Kremer, 34th District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure hard work and struggles associated with significant accomplishments; and

WHEREAS, the Hordville Bulldogs won their second consecutive Class D championship at the Boys' State High School Basketball tournament this year; and

WHEREAS, the members of the Hordville High School boys' basketball team and their coach, Glen Bouc, deserve special recognition for their second straight championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Hordville High School boys' basketball team.
2. That the Legislature congratulates and extends best wishes to the 1981 and 1982 Class D boys' high school basketball champions, the Hordville Bulldogs and their coach, Glen Bouc.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 754. Title read. Considered.

Standing Committee amendments, Req. #2730, printed separate from the Journal and referred to on page 1244 for the Forty-Fourth Day were considered.

Mr. Carsten asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

The Standing Committee amendments, Req. #2730, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 22, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829, and Reengrossed Legislative Bill 69 were received in my office March 18, 1982.

These bills were signed by me on March 19, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

VISITORS

Visitors to the Chamber were Mr. and Mrs. Herb Schuessler and daughter, Lisa from Potter; 70 students from Nebraska Farm Bureau; Mr. Akhter Ul-Alam from Bangladesh; Mr. Nkwabi Ng'Wanakilala from Tanzania; Mr. Magemeso Namungalu from Uganda; Mr. Sasa Ivancevic, Yugoslavia; Mr. Amos Jones, U.S. Escort Officer; and 10 students and teacher from Minatare.

RECESS

At 12:01 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, V. Johnson, Marvel, H. Peterson, and Stoney who were excused; and Messrs. Beutler, Burrows, Fowler, Newell, Schmit, Sieck, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 754. Considered.

Standing Committee amendments, Req. #2755, printed separate from the Journal and referred to on page 1244 for the Forty-Fourth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 755. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 9 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 756. Title read. Considered.

Standing Committee amendment found in the Journal on page 1271 for the Forty-Fifth Day was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 22, 1982, at 2:00 p.m., were the following bills: 259, 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845, and 631.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 854 in the Journal. No objections. So ordered.

1. In the Standing Committee amendments on page 805 of the Journal, line 5, after "commission" insert "and as approved by the Legislature".

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

Governor's Appointment
Wednesday, March 31, 1982 1:15 p.m.
William Fitzgerald - Nebraska Arts Council

(Signed) Elroy Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment on page 778 of the Journal, in line 4 strike "forty" and insert "thirty-five".

RESOLUTION

LEGISLATIVE BILL 261.

Introduced by Beutler, 28th District.

WHEREAS, only thirteen legislative days remain in the Second Session of the Eighty-seventh Legislature of Nebraska; and
WHEREAS, approximately three hundred and fifty bills are still pending, many of these involving major issues; and
WHEREAS, we begin today to debate the budget bills, and this discussion will consume a considerable portion of the remainder of this session.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
That the members of the legislature extend the current legislative session by five legislative days.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 933. Title read. Considered.

Standing Committee amendments, Req. #2831, found in the Journal on page 1272 for the Forty-Fifth Day were considered.

Mrs. Marsh asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch offered the following amendment to the Standing Committee amendments:

Page 1272, strike language on Line 9 after "23-362.03" through "43-655.01" on line 10.

Strike after "1980" on line 10 all language through "1981" on line 12.

Mr. Wagner asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler
Cullan
Fowler
Goll
Goodrich
Hoagland
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Nichol
Remmers
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 15:

Barrett
Beyer
Carsten
Clark
Cope
Duda
Dworak
Fenger
Haberman
Hefner
Johnson, L.
Pirsch
Rumery
Von Minden
Warner

Present and not voting, 5:

Apking
Chambers
Chronister
Higgins
Peterson, R.

Excused and not voting, 9:

Burrows
DeCamp
Johnson, V.
Marsh
Marvel
Peterson, H.
Schmit
Stoney
Wagner

Absent and not voting, 1:

Lamb

The Koch amendment was adopted with 19 ayes, 15 nays, 5 present and not voting, 9 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Wiitala offered the following amendment to the Standing Committee amendments:

On page 1, in line 2, after "26" insert "27,"; in line 7 strike beginning with "and" through "1981" in line 8.

The amendment was adopted with 15 ayes, 12 nays, 13 present and not voting, and 9 excused and not voting.

Messrs. Goll, Hefner, and Nichol offered the following amendment to the Standing Committee amendments:

Pg 1272 Journal Line 9 strike 23-362.03.

The Goll-Hefner-Nichol amendment was adopted with 14 ayes, 10 nays, 17 present and not voting, and 8 excused and not voting.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendments, as amended, were adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 262.

Introduced by Wagner, 41st District; Sieck, 24th District.

PURPOSE:

The purpose of this resolution is to study the adequacy of Nebraska statutory and constitutional provisions relating to taxation of personal property, especially transmission and distribution lines, transformers and substation facilities, of non-profit cooperatives providing electric service to consumers in Nebraska, and to investigate and determine ways and means to provide reasonable and equitable tax treatment to such cooperatives and thereby to their electric consumers.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Messrs. Haberman, Hoagland, and Nichol asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(1)

1. In the Nichol amendments on pages 993 to 996 of the Journal on page 2, line 11, strike "and" and show as stricken; and in line 12 after "children" insert "; and (1) be confined periodically in the city or county jail or return to custody after specified hours, not to exceed thirty days".

2. In the Standing Committee amendments, Req. 2666:

(a) On page 6, line 6 and page 12, line 19 after "months" insert "and such order of probation shall include as one of its conditions, confinement in the city or county jail for forty-eight hours";

(b) On page 7, line 24 before the period insert ", and such order of probation shall include as one of its conditions, confinement in the city or county jail for seven days";

(c) On page 13, line 15, before the period insert ", and such order of probation shall include as one of its conditions, confinement in the city or county jail for seven days";

(d) Insert a new section as follows:

"Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof."; and

(e) Renumber remaining sections accordingly.

Messrs. Haberman, Hoagland, and Nichol asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(2)

1. Strike the Newell, Koch, and Kilgarin amendment to the committee amendments adopted March 10, 1982.

Mrs. Labedz asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

1. Strike original sections 8 and 25.
2. On page 32, line 16, strike "23-905,"; and in line 19 strike "84-304,".
3. Renumber remaining sections accordingly.

Messrs. Koch and Beutler asked unanimous consent to print the following amendment to LB 208 in the Journal. No objections. So ordered.

Final Reading Copy

On page 2, line 21, strike the word "state" and after the word "accreditation" insert " or substantial difference in the total curriculum of the schools involved."

ATTORNEY GENERAL'S OPINION

Opinion No. 220
March 22, 1982

Dear Senator DeCamp:

In your letter of March 19, 1982, you ask whether, if the $70 million distribution formula under §§77-3605 to 77-3609 were extended for another year, as proposed in LB 898, a city of the metropolitan class could bring suit to enjoin the distribution of funds, or challenge the constitutionality of the distribution formula without posting bond. Obviously, any party having standing to bring the suit could challenge the constitutionality of the distribution formula, and ask for a permanent injunction against the distribution under that formula, without posting bond.

The issue you are interested in, however, is whether a city of the metropolitan class could get a temporary injunction against such distribution while the action is pending, without posting bond. We pointed out in our opinion dated April 30, 1981, to Senator Johnson, Opinion No. 87, that Neb.Rev.Stat. §14-817 (Reissue 1977) makes provision for a city of the metropolitan class to obtain an injunction without posting a bond. This section provides:

> No bond for cost, appeal, supersedeas, injunction or attachment shall be required of any city of the metropolitan class or of any officer, board, commission, head of any department, agent or employee of any such city in any proceeding or court action in which said city of the metropolitan

> class or its officer, board, commission, head of department, agent or employee is a party litigant in its or his official capacity.

We also point out that Neb.Rev.Stat. §15-842.01 (Reissue 1977) contains a similar provision with respect to cities of the primary class.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
m5
cc: Patrick O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 263.

Introduced by Hefner, 19th District; Newell, 13th District; Duda, 14th District; Fenger, 45th District; Von Minden, 17th District; Beyer, 3rd District; Barrett, 39th District.

PURPOSE:

To study current issues and concerns within liquor control in the State of Nebraska, with special emphasis on certain areas.

Some of the present liquor license fees have not been increased for over 40 years. The effects of "New Federalism" have not yet been adequately identified in terms of state liquor control and taxing. Section 53-183 prohibits the retail sale of liquor on credit. Section 53-168 places a 30-day credit limit between liquor wholesalers and retailers, and restricts distributors and wholesalers, but not manufacturers, from participating in any coupon plans. The Legislature's intent regarding the control and regulation of bottle clubs has faded and needs reconsideration. The Nebraska Liquor Control Act was enacted in 1935, and has been substantially amended since then. In the last years the Legislature has enacted correcting legislation to update the Act in a piecemeal fashion. The Act and its licensing structure may require, at some point, a total redrafting to maintain the Legislature's intent in proper liquor control.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264.

Introduced by Hefner, 19th District; Von Minden, 17th District; Beyer, 3rd District; Fenger, 45th District; Duda, 14th District; Barrett, 39th District.

PURPOSE:

To review the Nebraska Political Accountability and Disclosure Act and conduct an examination of the statutes regulating political action committees (PAC's), the statutorial definition of lobbyist, and the need or desire of establishing further regulations concerning lobbying practices.

The Nebraska Political Accountability and Disclosure Act regulates PAC's through certain campaign practice and disclosure requirements. The parameters of these provisions and their intent and purpose may need further clarification.

The statutorial definitions of lobbying and lobbyist are not clear and some people coming before the Legislature to influence certain legislation are concerned about whether or not they should be registered as lobbyists. The important concern is that the statutes be clear and reflect the Legislature's intent by requiring the registration of bona fide lobbyists, and not requiring registration of average concerned citizens.

Some organizations and individuals employ or engage lobbyists to influence action in favor of certain interests. At certain times lobbyists' influence on important legislation can be great. It is at this point and for this reason that lobbyists' practices may require careful guidance and scrutiny.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 265.

Introduced by Hefner, 19th District; Von Minden, 17th District; Duda, 14th District; Fenger, 45th District; Beyer, 3rd District; Barrett, 39th District.

PURPOSE:

To examine any issues or potential problems in Nebraska bingo laws and how state lotteries and gambling laws relate thereto.

The issues within the area of bingo are difficult to clearly define and identify. Not all groups affected by bingo laws are satisfied that a balance exists between over- and under-regulation of the industry. In addition, certain provisions in the law affect different areas in the state in completely different ways.

Many groups involved in bingo are also involved in lotteries or other types of gambling. Because of these complexities, the issues and laws may need added clarification.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

Mr. Kremer asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 942. Title read. Considered.

Standing Committee amendments, Req. #2852, found in the Journal on page 1272 for the Forty-Fifth Day were considered.

Mr. Warner requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

1. Strike original sections 11, 13 to 22, and 24 and insert the following new sections:

The Standing Committee amendment (1) was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The second Standing Committee amendment is as follows:

"Sec. 12. That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. Medical assistance on behalf of recipients shall be paid directly to vendors. ~~On behalf of recipients over sixty five years of age, medical assistance shall include care in an institution for mental diseases.~~ On behalf of all ~~recipients~~ individuals who are eligible to receive aid to dependent children assistance or aged, blind, or disabled assistance and for whom eligibility for medical assistance is mandatory under Title XIX of the Social Security Act, medical assistance shall include ~~other~~ inpatient and outpatient hospital ~~care~~ services, rural health clinic services, laboratory and X-ray services, ~~nursing home services, care home services, home health care services, nursing services, clinic services,~~ skilled nursing facility services for individuals twenty-one years of age or older, home health services to individuals entitled to skilled nursing facility services, early and periodic screening, diagnosis, and treatment for individuals under the age of twenty-one, family planning services, and services of ~~practitioners~~ physicians licensed by the Department of Health. ~~and such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.~~ The Director of Public Welfare may also provide for, under the authority provided in section 68-1021, such additional services and eligibility as are optional under Title XIX of the Social Security Act.

Mr. Chronister offered the following amendment to the Standing Committee amendment (2):

1. Delete "physicians" and insert "practitioners."

The Chronister amendment was adopted with 20 ayes, 3 nays, 16 present and not voting, and 10 excused and not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Warner requested a roll call vote on the Standing Committee amendment (2) as amended.

Voting in the affirmative, 19:

Apking
Beyer
Carsten
Clark
Cope
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Landis
Nichol
Remmers
Rumery
Von Minden
Warner

Voting in the negative, 20:

Barrett
Beutler
Burrows
Chambers
Chronister
Cullan
Fowler
Goll
Higgins
Hoagland
Kilgarin
Koch
Labedz
Newell
Peterson, R.
Pirsch
Sieck
Vickers
Wesely
Wiitala

Excused and not voting, 10:

DeCamp
Johnson, V.
Kremer
Lamb
Marsh
Marvel
Peterson, H.
Schmit
Stoney
Wagner

The Standing Committee amendment (2), as amended, lost with 19 ayes, 20 nays, and 10 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

The third Standing Committee amendment is as follows:

Sec. 13. No payments shall be made by the Department of Public Welfare to any vendor for services provided to public assistance recipients, if such payments would result in a payment in excess of the average fee paid for such service to such vendors for fiscal year 1981-82 increased by three and seventy-five hundredths per cent.

The Standing Committee amendment (3) was adopted with 27 ayes, 2 nays, 9 present and not voting, and 11 excused and not voting.

The fourth Standing Committee amendment is as follows:

Sec. 14. The State Treasurer is hereby directed to transfer the following amounts from the respective funds to the Nebraska Agricultural Products Marketing Cash Fund for fiscal year 1982-83:

(1) Fifteen thousand seven hundred dollars from the Nebraska Wheat Development, Utilization, and Marketing Fund;

(2) Twenty-one thousand dollars from the Nebraska

Corn Development, Utilization, and Marketing Fund;

(3) Nineteen thousand seven hundred dollars from the Soybean Development, Utilization, and Marketing Fund; and

(4) Eight thousand six hundred dollars from the Grain Sorghum Development, Utilization, and Marketing Fund.

Such amounts shall be transferred to the Nebraska Agricultural Products Marketing Cash Fund not later than August 1, 1982.

Mr. Warner asked unanimous consent to withdraw Standing Committee amendment (4). No objections. So ordered.

The fifth Standing Committee amendment is as follows:

Sec. 15. (1) Commencing July 1, 1982, and terminating July 1, 1985, county treasurers shall at the time of registration pursuant to Chapter 60, article 3, collect a three dollar and seventy-five cent highway safety fee. Such fee shall be collected for every motor vehicle, semitrailer weighing over five thousand pounds, trailer weighing over five thousand pounds, as defined in section 60-301, and school bus subject to the provisions of section 79-488, except motor vehicles and trailers registered pursuant to section 60-305.09.

(2) A highway safety fee shall also be collected at the time of registration of any truck or truck-tractor pursuant to section 60-305.09, which fee shall be three dollars and seventy-five cents multiplied by the factor used in determining the registration fee of such vehicles pursuant to subsection (1) of section 60-305.09.

(3) The highway safety fee shall be accounted for as other fees and shall be transmitted to the State Treasurer for deposit in the Protection of People and Property Cash Fund, which is hereby created. Such fund shall be used to finance the Nebraska State Patrol's protection of people and property program.".

Mr. Koch offered the following amendment to the Standing Committee amendment (5):

On page 1273, strike after "60-301" all language through "79-488".

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch amendment was adopted with 16 ayes, 14 nays, 7 present and not voting, and 12 excused and not voting.

The Standing Committee amendment (5), as amended, was adopted with 26 ayes, 8 nays, 3 present and not voting, and 12 excused and not voting.

The sixth Standing Committee amendment is as follows:

2. On page 6, line 22, strike "twenty-five" and insert "one half of the rates generally applicable to other persons at peak hours".

3. On page 8, line 27, strike beginning with "When" through "the".

4. On page 9, in lines 1 to 5, strike the new matter.

5. On page 25, strike beginning with "and" in line 11 through "act" in line 13 and show as stricken; strike beginning with "and" in line 18 through "act" in line 19 and show as stricken; and in line 26 strike "or" and insert:

"(5) Aided or abetted the offender in the commission of the unlawful act; or".

6. On page 26, line 1, strike "(5)" and insert "(6)".

7. On page 32, line 16, strike "43-611,"; strike beginning with "43-645" in line 16 through "83-1,143.03" in line 17 and insert "and 68-1019"; strike beginning with "71-5027" in line 18 through the first comma in line 19; in line 20 before "43-607" insert "and"; in line 21 strike "and 79-1334,"; and strike beginning with the second "and" in line 21 through the third comma in line 22.

8. Renumber remaining sections accordingly.

Mr. Beutler offered the following amendment to the Standing Committee amendment (5):

Strike paragraph 5. and 6. of the 6th portion of the committee amendment on pg 1274, section 23 of the bill, and repeal Chapter 81, article 18 pertaining to the Crime Victims Reparation Board.

Amendment pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Koch asked unanimous consent to have his name added as co-introducer to LR 261. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments, Req. 2666)

1. On page 2, line 11 after “intoxicated” insert “ - implied consent refusal”.

Mr. Carsten asked unanimous consent to print the following amendment to LB 816A in the Journal. No objections. So ordered.

Req. #2864

1. On page 3, in lines 6 and 7, strike “18,900,000” and insert “17,900,000”.

2. Strike original section 5 and insert the following new section:

“Sec. 5. There is hereby appropriated (1) $17,700,000 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $17,700,000 from the General Fund for the period July 1, 1983, to June 30, 1984, to the State Treasurer, for Program 149, to aid in carrying out the provisions of Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982. There shall be no expenditures for permanent and temporary salaries and per diems for state employees from funds appropriated in this section.”.

Mr. Chambers asked unanimous consent to print the following amendment to LB 591 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk’s Office - Req. #2863.)

VISITORS

Visitors to the Chamber were 37 ninth grade students, sponsors, and teachers from Aurora Junior high school; and Mark Frederick, Warren Negley, Janet Madsen, Joann Hagerty, Vern Williams, and Lou D’Ercole from Ralston.

ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Tuesday, March 23, 1982.

Patrick J. O’Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 23, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 23, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Vernon F. Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Stoney who was excused; and Messrs. Chambers, Goodrich, Haberman, Newell, Wesely, and Wiitala who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1351, line 15, strike "**BILL**" and insert "**RESOLUTION**".
Page 1356, line 33, after "last" insert "few".
Page 1362, line 32, strike "(5)" and insert "(6)".
The Journal for the Forty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 726. Placed on Select File as amended.
E & R amendments to LB 726:
Req. #2858

1. On page 6, line 4, reinstate "or".

2. For correlation purposes, on page 2, line 2, insert "as amended by section 1, Legislative Bill 375, Eighty-seventh Legislature, First Session, 1981," after the second comma; after the period in line 3, insert "The Legislature finds that ground water is one of the most valuable natural resources in the state and that an adequate supply of ground water is essential to the

general welfare of the citizens of this state and to the present and future development of agriculture in the state. The Legislature recognizes its duty to define broad policy goals concerning the utilization and management of ground water and to ensure local implementation of those goals. Every landowner shall be entitled to a reasonable and beneficial use of the ground water underlying his or her land, subject to the provisions of Chapter 46, article 6, and the correlative rights of other landowners when the ground water supply is insufficient for all users. The Legislature determines that the goal shall be to extend ground water reservoir life to the greatest extent practicable, consistent with beneficial use of the ground water and best management practices."; in line 3, strike "finds," and insert "further" and strike the second comma; strike beginning with "in" in line 7 through line 9; in line 12 insert "procedures for" after "demands"; in line 17 strike "To" and insert "The Legislature recognizes the need to"; strike "an", and strike "system, particularly" and insert "systems"; in line 18, after "where" insert "management of ground water is necessary to achieve locally determined ground water reservoir life goals and where"; in line 22 strike "control"; in line 23 strike "future" and strike ", the" and insert ". The"; in lines 23 and 24 underscore "Legislature recognizes the need for"; and in line 24 strike the stricken matter.

3. For correlation purposes, on page 3, line 6, after the second comma, insert "as amended by section 2, Legislative Bill 375, Eighty-seventh Legislature, First Session, 1981,"; in line 8, strike "46-659,"; in line 12, strike "and" and insert "or"; in line 22 strike beginning with "sections" through "46-662" and insert "the Nebraska Ground Water Management and Protection Act"; on page 4, strike line 16; in line 17 strike "but"; strike "the provisions of" in lines 17 and 18; on page 5, in line 6, strike "and"; after line 6 insert:

"(12) Management area shall mean any area so designated by a district pursuant to sections 3 to 8 of this act;

(13) Ground water reservoir life goal shall mean the finite or infinite period of time which a district establishes as its goal for maintenance of the supply of water in a ground water reservoir at the time a ground water management plan is adopted;

(14) Board shall mean the board of directors of a district;

(15) Irrigated acre shall mean any acre that is certified as such pursuant to rules and regulations of the district and that is actually capable of being

supplied water through irrigation works, mechanisms, or facilities existing at the time of the allocation;

(16) Acre-inch shall mean the amount of water necessary to cover an acre of land one inch deep; ~~and~~

(17) This act shall mean and include sections 46-656 to 46-674 and sections 3 to 15 of this act; and ~~.~~"; and in line 7 strike "(12)" and insert "(18)".

4. For correlation purposes, on page 10, line 5, insert "as amended by section 19, Legislative Bill 375, Eighty-seventh Legislature, First Session, 1981," after the second comma; in line 9, insert "control" after "the"; in line 14 strike "and enforce"; in line 17 strike "Chapter 46, article 6" and insert "sections 46-609 and 46-651"; on page 11, line 9, after "section" insert "or sections 10 to 14 of this act"; in line 12 insert "or management" after "control"; in lines 16 and 23, insert "in a control area" after "control"; on page 12, line 3, strike the first "the" and insert "a" and after "control" insert "or management"; in line 8 after "section" insert "or sections 10 to 14 of this act"; at the end of line 9 insert "or management"; and in line 14 strike "control"; on page 13, line 17, insert "or sections 10 to 14 of this act" after "section"; in line 23 insert "or management" after "control"; strike beginning with the comma in line 23 through the comma in line 24; and in line 26 strike "and" and insert a comma and insert "and sections 10 to 14 of this act" after "46-665"; and on page 14, line 1, strike "of directors"; in line 6 strike "such" and insert "a"; and in line 17 insert "in a control area" after "controls".

5. For correlation purposes, on page 15, line 1, and in the title, line 2, strike "sections 46-656 to" and insert "section"; on page 15, line 2, and in the title, line 2, strike "and 46-666"; and on page 15, line 2, and in the title, line 3, insert ", and sections 46-656, 46-657, and 46-666, Revised Statutes Supplement, 1981, as amended by Legislative Bill 375, Eighty-seventh Legislature, First Session, 1981, sections 1, 2, and 19, respectively" after "1981".

LEGISLATIVE BILL 816. Placed on Select File as amended.
E & R amendments to LB 816:

1. In the Carstens amendments, page 3, line 5, strike "77-27-137" and insert "77-27,137".

2. In the title, line 3, strike "and 77-27,137" and insert ", 77-27,137, and 77-27,137.01"; and in line 6 insert "to provide an operative date;" after the first semicolon.

LEGISLATIVE BILL 816A. Placed on Select File as amended.
E & R amendment to LB 816A:

1. On page 2, lines 12 and 17, strike "General Funds" and insert "from the General Fund".

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 242, LR 245, LR 246, LR 247, LR 251, LR 252, and LR 254.

MOTION - Return LB 127 to Select File

Mr. Kahle moved to return LB 127 to Select File for the following specific amendment:

(Final Reading Second)

1. On page 16, strike beginning with "office" in line 13 through the comma in line 14, show as stricken, and insert "survey record repository established pursuant to section 15 of this act if".
2. On page 20, line 27, after "surveyor" insert ", except that no fee shall be charged for filing surveys pursuant to section 23-1911 when the work is requested by the county and when no fees for the survey are received by the surveyor or the county from any other persons.".

The motion to return prevailed with 29 ayes, 2 nays, 14 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 127. The Kahle specific amendment found in this day's Journal was adopted with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 35 ayes, 3 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Return LB 208 to Select File

Messrs. Koch and Beutler moved to return LB 208 to Select File for their specific amendment found in the Journal on page 1355.

Mr. Koch requested a roll call vote on the motion to return.

Voting in the affirmative, 24:

Barrett
Beutler
Chambers
Cope
Cullan
Dworak
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Beyer
Carsten
Chronister
Clark
Duda
Fenger
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Von Minden
Wagner

Present and not voting, 4:

Burrows
DeCamp
Sieck
Vickers

Excused and not voting, 2:

Marvel
Stoney

The Koch-Beutler motion to return lost with 24 ayes, 19 nays, 4 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

1. In the Carsten amendment on page 1234 of the Journal, on page 3, line 1, strike "This" and insert "Sections 1 to 4 and 8 of this"; in line 2 after "1982" insert ", if the Nebraska Supreme Court rules before such date that sections 77-3611 to 77-3615 are unconstitutional in whole or in part or the Supreme Court has not made a ruling by such date. If the Nebraska Supreme Court renders its decision on the constitutionality of sections 77-3611 to 77-3615 on or after July 1, 1982, and such sections are not ruled to be unconstitutional any payments to be made subsequent to the date of such ruling shall be made pursuant to sections 77-3611 to 77-3615".

2. On page 4, line 9, strike "77-3615" and insert "77-3610".

Mr. Carsten asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

1. On page 4, strike beginning with the first comma in line 10 through "cent" in line 12 and show as stricken; and in line 22 after "effective" insert ", except when a change in the sales and use tax rate or individual income tax rate would be required solely to meet the provisions of this subsection".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 573, 633, 668, 739, 751, 766, 790, 869, 875, 892, and 952.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 573

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 573:

1. In the Newell amendment adopted March 19, 1982, on line 3 "if" has been stricken; and in line 5 "or" has been stricken and "(c)" inserted.

2. In the Beutler amendment on page 1, line 5, "(c)" has been stricken and "(d)" inserted; and line 12 has been stricken and "24, after 'to' insert 'subsections' " has been inserted.

Enrollment and Review Changes to LB 766

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 766:

In the standing committee amendments, page 1, lines 6 and 10, "in a" has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 208.

A BILL FOR AN ACT to amend sections 79-403 and 79-1108, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to territory changes for districts; to eliminate certain provisions relating to the transfer of pupils; to limit the transportation allowance in prescribed situations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Apking
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Fenger
Hefner
Johnson, L.
Johnson, V.
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 17:

Barrett
Beyer
DeCamp
Dworak
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Kahle
Kilgarin
Koch
Marsh
Warner
Wesely
Wiitala

Excused and not voting, 2:

Marvel
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 383.

A BILL FOR AN ACT to amend sections 39-6,179, 39-6,180, and 60-305.09 and subsection (5) of section 77-202, Revised Statutes Supplement, 1980, relating to vehicles; to permit an exception to weight and length requirements for certain vehicle towing combinations; to change provisions governing apportionable fleets; to change a tax exemption; and to repeal the original sections and subsection, and also Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Marvel
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 421.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for reporting and investigation of violations by professional licensees; to provide for confidentiality of records; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland

Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Apking
Beutler

Excused and not voting, 2:

Marvel
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

President Luedtke announced Senator H. Peterson's birthday was March 22.

MOTION - Return LB 672 to Select File

Mr. Warner moved to return LB 672 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Warner motion to return lost with 17 ayes, 24 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Wesely moved to return LB 672 to Select File for the following specific amendment:
P 2 strike "25 years" insert "20 years".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 15 nays, and 8 not voting.

The Wesely motion to return prevailed with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 672. The Wesely specific amendment found in this day's Journal was adopted with 29 ayes, 12 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 677. With Emergency.

A BILL FOR AN ACT to amend section 25-1606, Reissue Revised Statutes of Nebraska, 1943, relating to courts; to change provisions relating to jury summons; to repeal the original section; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Haberman

Present and not voting, 3:

Chambers
DeCamp
Schmit

Excused and not voting, 2:

Marvel
Stoney

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 720.

A BILL FOR AN ACT to amend section 42-821, Reissue Revised Statutes of Nebraska, 1943, and section 25-1912, Revised Statutes Supplement, 1981, relating to courts; to change provisions respecting motions for new trial; to change provisions relating to conciliation proceedings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Apking
Chambers
DeCamp
Schmit

Excused and not voting, 2:

Marvel
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 796.

A BILL FOR AN ACT to amend section 85-502, Revised Statutes Supplement, 1980, relating to state educational institutions; to change certain provisions relating to residency requirements as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 6:

Clark
Haberman
Higgins
Pirsch
Von Minden
Wesely

Present and not voting, 3:

Chambers
DeCamp
Schmit

Excused and not voting, 2:

Marvel
Stoney

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

(Final Reading Second)

1. On page 2, line 1, strike "That" and insert "If the amendment proposed by Laws 1981, LB 138, is defeated at the primary election in May, 1982,"; strike "primary" and insert "general", and strike "May" and insert "November"; reinstate the stricken matter beginning with "Each" in line 21 through the comma in line 24; in lines 23 and 24 after the reinstated "his" insert "or her"; and strike the new matter in lines 24 through 26.

2. On page 3, line 5, reinstate the stricken matter; in lines 15 and 16 strike "receive no compensation, but shall".

3. In the title in line 6 strike "receive no compensation, but shall".

MR. LAMB PRESIDING

GENERAL FILE

LEGISLATIVE BILL 522A. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Burrows
Carsten
Chambers
Cullan
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Beyer
Chronister
Clark
Cope
Fenger
Goll
Haberman
Hefner
Lamb
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner
Warner

Present and not voting, 1:

Johnson, L.

Excused and not voting, 3:

Marvel Schmit Stoney

Absent and not voting, 1:

DeCamp

Advanced to E & R for Review with 27 ayes, 17 nays, 1 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 404A. Placed on Select File as amended.
E & R amendment to LB 404A:
1. In the Fowler amendments, page 1, lines 7 and 13, insert a comma after "1982"; and on page 1, lines 8 and 12, and on page 2, line 2, insert a comma after "1983".

LEGISLATIVE BILL 488A. Placed on Select File as amended.
E & R amendment to LB 488A:
1. On page 2, line 20, insert a comma after "1983".

LEGISLATIVE BILL 714A. Placed on Select File.

LEGISLATIVE BILL 609A. Placed on Select File as amended.
E & R amendment to LB 609A:
1. In the Marsh amendments, page 3, line 1, strike "Section" and insert "Sec.".

LEGISLATIVE BILL 755. Placed on Select File.
LEGISLATIVE BILL 756. Placed on Select File.

LEGISLATIVE BILL 933. Placed on Select File as amended.
E & R amendments to LB 933:
1. In committee amendments, renumber sections 3

to 5 as sections 2 to 4.

2. In lieu of other amendments thereto, amend renumbered section 3 to read:

"Sec. 3. That original section 79-4,123, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. Strike the title beginning with line 2 and insert:

"FOR AN ACT to amend section 79-4,123, Reissue Revised Statutes of Nebraska, 1943, relating to education; to delete the requirement for a publication; to provide an operative date; to repeal the original section; and to declare an emergency.".

(Signed) Karen Kilgarin, Chairperson

GENERAL FILE

LEGISLATIVE BILL 942. Considered.

Mr. Beutler renewed his pending amendment to the Standing Committee amendment (6) found in the Journal on page 1362.

The Beutler amendment lost with 6 ayes, 19 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment to the Standing Committee amendment (6):

Strike lines 9 through 13 on page 4 of the amendments.

The Vickers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment (6), as amended, was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were Richard Canfield from Omaha; Jerry Shrier, Sharon Kennedy, Sheryl Hansen, Mike Mestek, Theresa Anderjaska, Lori Christensen, Jane Barnell, and instructor, Harold Arnds from Kearney State College; 23 seniors and teacher from Nebraska Christian High School, Central City; 19 students and teacher from Friend; 15 seniors and teacher from Snyder High School; 12 students, adults, and teachers from Ohiowa; and 22 eighth grade students and teacher from Blessed Sacrament School, Lincoln.

RECESS

At 12:00 noon, on a motion by Mr. Remmers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Marvel, and Stoney who were excused; and Mesdames Apking, Marsh, Pirsch, Messrs. Burrows, Cullan, Fowler, Haberman, Hoagland, Kremer, Newell, Schmit, and Wesely who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 942. Considered.

Mr. Vickers offered the following amendment:
Strike Section 10 of the bill.

Messrs. Hefner, Goll, and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 17:

Beutler
Burrows
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Newell
Remmers
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 17:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Dworak
Fenger
Johnson, L.
Kahle
Landis
Peterson, H.
Peterson, R.
Pirsch
Rumery
Warner

Present and not voting, 6:

Apking
Chambers
Goodrich
Haberman
Marsh
Nichol

Excused and not voting, 9:

Cullan
DeCamp
Goll
Hefner
Kremer
Marvel
Schmit
Stoney
Von Minden

The Vickers amendment lost with 17 ayes, 17 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Sieck offered the following Schmit amendment to LB 942:

1. On page 26, in lines 1 to 12, strike the new matter.

2. In the Standing Committee amendments commencing on page 1272 of the Journal, on page 4, strike beginning with "strike" in line 12 through "and" in line 13 and insert "after 'or'"; in line 15, strike "; or" and insert "."; and strike amendment 6.

Mr. Landis requested a record vote on the Schmit amendment.

Voting in the affirmative, 6:

Burrows
Duda
Labedz
Pirsch
Sieck
Vickers

Voting in the negative, 18:

Apking
Beutler
Chronister
Clark
Cope
Dworak
Fenger
Goll
Johnson, L.
Kahle
Kilgarin
Lamb
Landis
Peterson, H.
Peterson, R.
Remmers
Warner
Wesely

Present and not voting, 19:

Barrett
Beyer
Carsten
Chambers
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Koch
Marsh
Newell
Nichol
Rumery
Von Minden
Wagner
Wiitala

Excused and not voting. 6:

Cullan
DeCamp
Kremer
Marvel
Schmit
Stoney

The Schmit amendment lost with 6 ayes, 18 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Sieck offered the following amendment:

1. On page 26, after line 12, insert the following: "Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary loss.".

The Sieck amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Vickers offered the following amendment:

1. Page 29, line 5, followng "agencies", insert "or any political subdivision of this state".

Mr. Vickers amendment lost with 6 ayes, 11 nays, 27 present and not voting, and 5 excused and not voting.

Mrs. Labedz renewed her pending amendment found in the Journal on page 1355.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mrs. Labedz requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Apking
Barrett
Burrows
Chronister
Duda
Goodrich
Haberman
Hefner
Higgins
Kahle
Kilgarin
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 21:

Beutler
Beyer
Carsten
Chambers
Clark
Cope
Dworak
Fenger
Fowler
Goll
Hoagland
Johnson, L.
Johnson, V.
Koch
Landis
Marsh
Pirsch
Remmers
Rumery
Warner
Wesely

Excused and not voting, 5:

Cullan
DeCamp
Marvel
Schmit
Stoney

The Labedz amendment lost with 23 ayes, 21 nays, and 5 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 31 ayes, 7 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 966. Title read. Considered.

Standing Committee amendments, Req. #2808, printed separate from the Journal and referred to on page 1274 were considered.

Mr. Warner offered the following amendment to the Standing Committee amendments:

(Amendments to White Copy request 2808)

1. On page 5, strike beginning with "retail" in line 10 through "53-124" in line 12 and insert "premises for which a license as defined in subdivision (5) A, B, C, D, E, F, G, H, or J, or subdivision (9) of section 53-124 is sought by any person as defined in subsection (12) of section 53-102".

2. On page 27, line 2, strike "life safety" and insert "the regulations adopted and promulgated by the State Fire Marshal"; and in line 3 strike "codes".

The Warner amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

MR. KAHLE PRESIDING

Mr. Landis offered the following amendment to the Standing Committee amendments:

Req. #2865

(Amendments to White Copy Req. 2808)

1. On page 1, line 2, strike the second comma and insert "to"; and in line 3 strike "31," and insert "30 to".

2. On page 3, after line 21, insert the following new section:

"Sec. 3. That section 42-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-123. For the purpose of sections 42-121 to 42-128, a standard serological test shall be a test for syphilis approved by the Department of Health, and an approved laboratory shall be a laboratory approved by ~~said~~ such department. Any other state laboratory or any laboratory approved by another state, United States

Public Health Service, or United States Army or Navy laboratory shall be considered approved, for the purposes of sections 42-121 to 42-128. Such laboratory test may be made on request ~~without charge~~ at the laboratory of the Department of Health. A fee not to exceed five dollars per test shall be charged to partially defray the cost for such test, except that no fee shall be charged to indigent persons who sign a statement declaring their inability to pay. Such fee shall be deposited in the state treasury and credited to the Department of Health Cash Fund. Any laboratory in this state, doing tests called for in sections 42-121 to 42-128, shall make a report on a form, in triplicate, which forms are to be issued and distributed by the Department of Health to all such approved laboratories in this state, upon request. The original of this form shall be transmitted, by the laboratory doing such tests, to the certifying physician. The duplicate report shall be forwarded to the department. The triplicate shall be retained by the laboratory for its file and shall be open at any time for inspection by any authorized representative of the department.”.

3. On page 10, after line 24, insert the following new section:

“Sec. 13. That section 71-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1116. Every physician, or other person authorized by law to practice obstetrics, who shall be attending pregnant women in the state for conditions relating to their pregnancy during the period of gestation or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of the blood of such woman at the time of the first examination, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the state, but not permitted by law to take blood samples, shall cause such a sample of the blood of such pregnant women to be taken by a physician, duly licensed to practice medicine and surgery, obstetrics, or other person authorized by law to take such sample of blood and have such sample submitted to an approved laboratory for a standard serological test for syphilis. The results of all such laboratory tests shall be reported to the Director of Health of Nebraska on standard forms prescribed and furnished by the Department of Health. For the purpose of this section, a standard serological test shall be a test for syphilis approved by the Director of Health of Nebraska, and shall be made at a laboratory approved to make such tests by the Director of Health of Nebraska. Such laboratory tests, as are required by this section, shall be made on request ~~without charge~~ at the Department of Health laboratory. A fee not to exceed seven dollars per test shall be charged to partially defray the cost of such tests, except that no fee shall be charged for indigent persons who sign a statement declaring their inability to pay. In reporting every birth and stillbirth, physicians, and others required to make such reports, shall state on the portion of the certificate entitled For Medical and Health Use Only whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed, and the approximate date when the specimen was taken; Provided, that no birth certificate shall show the result of such test. If no test was made the reason shall be stated. The department shall provide the necessary clerical, printing, and other expenses in carrying out the provisions of this section."; and in line 25 strike "13" and insert "14".

4. On page 11, line 26, strike "14" and insert "15".

5. On page 12, after line 24, insert the following new section:

"Sec. 17. That section 71-2619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2619. (1) The Department of Health may by regulation establish fees to ~~partially~~ defray the costs of providing specimen containers, shipping outfits, and related supplies, and fees to ~~partially~~ defray the costs of certain laboratory examinations as requested by individuals, firms, corporations, or governmental agencies in the state. Such examinations shall include chemical or microbiological examinations of various categories of water samples. Fees established for examination of water to ascertain qualities for domestic, culinary, and associated uses shall not exceed the following amounts: (a) Each inorganic chemical assay, five dollars, (b) each organic pollutant, twenty dollars, and (c) bacteriological examination to indicate sanitary quality as coliform density by membrane filter test, or equivalent test, five dollars.

(2) Combinations of different tests or groups of tests submitted together, as specified by regulation, may be offered at rates less than those set for individual tests as allowed in this section.

Fees for examinations of water from lakes, streams, impoundments, or similar sources, from wastewaters, or from ground water for industrial or agricultural purposes may be made at fees established therefor, but not to exceed one and one half times the limits for examination of domestic waters as provided in this section.

~~(2)~~ (3) Fees may be established for the examinations of certain categories of biological specimens to ~~partially~~ defray costs of testing. ~~Such categories shall not include any examination for a microbiological organism listed as incitant or causative of any disease subject to report or control measures pursuant to law or departmental regulation. No such fee shall exceed ten dollars.~~ Such fees may be charged for examinations pursuant to law or departmental regulation of:

(a) Any specimen submitted for chemical examination for assessment of health status or functional impairment;

(b) Any specimen submitted for microbiological examination which is not related to direct human contact with the microbiological agent; and

(c) A specimen submitted for microbiological examination or procedure by an individual, firm, corporation, or governmental unit other than the Department of Health.

(4) The department shall not charge fees for tests that include microbiological isolation and identification examination for the following:

(a) A contagious disease when the Department of Health is authorized by law or regulations to directly supervise the prevention, control, or surveilance of such contagious disease;

(b) Any emergency when the health of the people of any part of the state is menanced or exposed pursuant to section 71-502; and

(c) When adopting or enforcing special quarantine and sanitary regulations authorized by the department.

~~(3)~~ (5) Fees for provision of certain classes of shipping outfits or specimen containers, when no charge is made for services, may be made as established by regulation to defray no more than the actual cost of materials, labor, and delivery. No such fee shall exceed ~~three~~ five dollars per unit.

(6) All fees collected pursuant to this section shall be deposited in the state treasury and credited to the Department of Health Cash Fund.

~~(4) No such fees shall ever apply to services and examinations provided in order to evaluate or monitor potable water supplies serving the public, except when such examinations exceed such standard frequency and~~

~~number as established by regulations of the Department of Health.~~''; and in line 25, strike ''22'' and insert ''23''.

6. On page 14, line 5, strike ''25'' and insert ''26''.

7. On page 15, line 13, strike ''30'' and insert ''31''.

8. On page 16, line 25, strike ''32'' and insert ''33''.

9. On page 23, line 25, strike ''33'' and insert ''34''; and in line 26 before ''71-1903'' insert ''71-1116,''.

10. Strike amendments 5, 6, and 7.

The Landis amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 522, 817, and 852.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 522

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 522:

1. On page 21, line 18, the underscored comma has been stricken.

Enrollment and Review Changes to LB 817

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 817:

1. On page 14, line 21, the period has been stricken and a semicolon inserted.
2. On page 19, line 12, the first ''to'' has been stricken.

Enrollment and Review Changes to LB 852

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 852:

1. E & R amendment 8 has been stricken.

(Signed) Emory P. Burnett
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 266.

Introduced by Carsten, 2nd District; Beyer, 3rd District; Koch, 12th District; Dworak, 22nd District; Sieck, 24th District; Fowler, 27th District.

WHEREAS, education is vital to the safety and well-being of the future of the United States; and

WHEREAS, after World War II, the United States Congress recognized the importance of education by providing low-interest loans and grants to citizens who otherwise would not be able to afford an education; and

WHEREAS, federal Pell Grants allowed more than eighteen thousand students to attend the University of Nebraska, state colleges and universities last year; and

WHEREAS, more than twenty-two thousand students from the University of Nebraska, the state colleges, Nebraska's technical community colleges, and the state's independent colleges and universities used a guaranteed student loan to pay for their education last year; and

WHEREAS, approximately half of the nation's graduate students use guaranteed student loans to become tomorrow's scientists, agribusiness leaders, engineers, teachers, attorneys, physicians, and architects; and

WHEREAS, President Reagan has proposed elimination of guaranteed student loans for graduate students, elimination of supplemental educational opportunity grants, elimination of state student incentive grants, elimination of federal support to the national direct student loan program, approximately a forty percent reduction in the Pell Grant program and a thirty percent reduction in the college work-study program; and

WHEREAS, as a result of the President's devastating cuts, by 1984 Nebraska students could lose more than eleven million dollars in educational assistance; and

WHEREAS, Nebraska students would lose more than seventeen thousand assistance awards as a result of the President's 1982-83 budget cuts alone; and

WHEREAS, the proposed cuts would penalize Nebraska students who default on less than five percent of their loans; and

WHEREAS, access to education will become more difficult to obtain for Nebraska's lower and middle income students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges President Reagan to reconsider his massive financial aid reductions and urges Congress to reaffirm its commitment to education by at least retaining the current level of spending for higher education assistance programs.
2. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States and to each member of the Nebraksa congressional delegation.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 970. Title read. Considered.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1178. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 970A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 761. Title read. Considered.

Standing Committee amendments, Req. #2729, printed separate from the Journal and referred to on page 1274 were adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Newell offered the following amendment:

Amendment to the Appropriations Committee
Amendments to LB 761 Request #2729

PURPOSE: To increase the appropriation for deferred repair, energy conservation and handicap access projects by $850,000. (LB 309 Task Force for Building Renewal.)

AMENDMENT:

On page 141, in line 15, strike "1,000,000" and insert "1,850,000".

Messrs. Fenger and Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Haberman requested a record vote on the Newell amendment.

Voting in the affirmative, 9:

Burrows
Fowler
Johnson, V.
Kahle
Kilgarin
Newell
Remmers
Sieck
Wesely

Voting in the negative, 24:

Apking
Barrett
Beutler
Beyer
Carsten
Cope
DeCamp
Dworak
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Koch
Kremer
Labedz
Landis
Peterson, H.
Pirsch
Rumery
Von Minden
Wagner
Warner

Present and not voting, 9:

Chambers
Chronister
Duda
Higgins
Lamb
Marsh
Nichol
Vickers
Wiitala

Excused and not voting, 7:

Clark
Cullan
Fenger
Marvel
Peterson, R.
Schmit
Stoney

The Newell amendment lost with 9 ayes, 24 nays, 9 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were Frank Golden from Lincoln; Senator Apking's sister, Dr. Colleen Dilley from Fremont; Mr. and Mrs. Fiske and daughters, Ingrid and Marita, and Mr. Larson from Kil, Sweden; 17 seventh and eighth grade students and teacher from St. Andrew's School, Tecumseh; and 22 students, teachers, and sponsors from Dodge County School, Scribner.

ADJOURNMENT

At 4:08 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Wednesday, March 24, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - MARCH 24, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 24, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator Rumery.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Stoney who were excused; and Messrs. Burrows, Chambers, Cullan, Fowler, Goodrich, Hoagland, V. Johnson, Lamb, Newell, Schmit, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

MESSAGES FROM THE GOVERNOR

March 23, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 631 was received in my office March 22, 1982. Engrossed Legislative Bill 827 was received March 18, 1982.

These bills were signed by me on March 23, 1982 and delivered to the Secretary of State today.

Sincerely
(Signed) CHARLES THONE
Governor

CT:mpb

March 23, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

In keeping with established policy, I have forwarded proposed Constitutional amendments, LB 577 and LB 634, to the Secretary of State without action.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:mpb

RESOLUTION

LEGISLATIVE RESOLUTION 267.

Introduced by DeCamp, 40th District.

WHEREAS, agriculture is Nebraska's largest, most important, and significant industry, and irrigation accounts for the bulk of the state's agricultural production; and

WHEREAS, Nebraska's climate is such that precipitation generally is not adequate to provide sufficient water for growing crops across much of the state, and surface water irrigation projects provide dependable sources of water for irrigation in times of drought and shortage that help ensure agricultural production, stabilize the local economies, maintain family farm operations, and curb rural outmigration; and

WHEREAS, recent studies including the High Plains Ogallala Aquifer study indicate that widespread declines in ground water levels will occur and extensive areas of the state will be forced to revert to dryland farming unless supplemental sources of water can be located and utilized; and

WHEREAS, significant ground water level declines are occurring in a large area of north-central Nebraska that would be served with surface water for irrigation by the O'Neill Unit reclamation project; and

WHEREAS, ground water contamination exists in areas that would be served by the O'Neill project in excess of minimum federal health standards, and levels of contamination are projected to increase dramatically making ground water use unsafe over a large area of north-central Nebraska unless the O'Neill Unit reclamation project is developed; and

WHEREAS, a dependable supply of water for the O'Neill Unit reclamation project is available from the Niobrara River which annually discharges more than 1.1 million acre-feet of water out of the State of Nebraska into the Missouri River; and

WHEREAS, the O'Neill Unit reclamation project would provide surface water to irrigate 77,000 acres of farmland in north-central Nebraska, and would provide an area of ground water recharge for 182,500 acres; and

WHEREAS, the O'Neill Unit reclamation project will include multiple benefits for the people of Nebraska, including irrigation, outdoor recreation, fish and wildlife habitat, new fishery resources, and long-term employment and jobs in its construction and operation; and

WHEREAS, the O'Neill project enjoys the support of a substantial number of people locally in the project area; and the support of: the Governor and the State of Nebraska, Congresswoman Virginia Smith in whose district the project is located, the state Natural Resources Commission, the local Natural Resources Districts, the local county boards and city councils and town boards, and of numerous agriculture, business, and other groups statewide; and

WHEREAS, if the O'Neill project is not built numerous adverse situations will occur, including: widespread reversion to dryland farming over a large area of north-central Nebraska; declines in family farm populations; reduced retail business and trade; associated reductions in jobs and increased rural outmigration; reduced local, state, and federal revenues; increased local pressures for government support and services; and increased statewide pressures on welfare and public assistance; and

WHEREAS, the O'Neill Unit reclamation project was authorized for construction by the United States Congress in 1972, and construction of the project has been delayed several years by federal district court injunction because of incompletion of the federal Environmental Impact Statement; and

WHEREAS, the federal government has completed the final supplement to the Environmental Impact Statement, and the federal court concerns should be fully satisfied this year; and

WHEREAS, the conservation and beneficial use of surface water supplies in the State of Nebraska, and the solution of ground water problems through recharge, are important elements of the policy issues of the State of Nebraska; and

WHEREAS, Nebraska State government, including the legislature, needs to make its views known and to reaffirm its policy position regarding future beneficial water uses, needs, and priorities, including and most importantly for such federally-financed projects as the O'Neill Unit reclamation project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the construction and completion of the O'Neill Unit reclamation project is urgently needed and is in the best interest of the State of Nebraska and the United States, and that expedition of the project for earliest possible completion to allay further cost increases and to realize benefits of the project as quickly as possible are in the best interest of the State of Nebraska and the United States; and

2. That the Nebraska congressional delegation is urged to present a united and concerted effort for congressional appropriations and earliest possible completion of the O'Neill Unit reclamation project; and

3. That the United States Justice Department is urged to expedite the proceedings toward removal of the injunction against construction of the O'Neill Unit project; and

4. That the U.S. District Court is urged to expedite the remaining court procedures and that the court remove any orders against allowing the U.S. Department of Interior from proceeding with design, engineering, and planning necessary for construction of the O'Neill Unit project, to allay any further cost increases in the project; and

5. That the U.S. Department of Interior is urged to expedite engineering, design, planning, and procedures for land acquisition necessary for construction of the O'Neill project; and

6. That the Congress of the United States is urged to provide necessary funds to expedite construction of the O'Neill Unit reclamation project for the earliest possible completion and realization of the benefits of the projects; and

7. That the Nebraska Legislature, through its Executive Board, take such steps as necessary to inform and assist the U.S. Congress, the federal government, and the court, in expediting the funding,

construction, and completion of the O'Neill Unit reclamation project, for the good, best interests, and well-being of the State of Nebraska and the United States; and

8. That the Clerk of the Legislature is directed to provide copies of this resolution with notification of its approval by the Legislature, to: all members of the Nebraska delegation serving in the U.S. Congress, the chairmen and all members of the Appropriations Committees of the U.S. House of Representatives and U.S. Senate; the U.S. Secretary of the Interior; the U.S. Attorney General; the federal district court in Lincoln; and the Governor of the state of Nebraska.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 208, 383, 421, 677, 720, and 796.

RESOLUTIONS

LEGISLATIVE RESOLUTION 256. Read. Considered.

Messrs. Sieck, Lamb, and L. Johnson asked unanimous consent to have their names added as co-introducers to LR 256. No objections. So ordered.

LR 256 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 257. Read. Considered.

Messrs. Hefner, Schmit, and Mrs. Apking asked unanimous consent to have their names added as co-introducers to LR 257. No objections. So ordered.

LR 257 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 258. Read. Considered.

LR 258 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 259. Read. Considered.

LR 259 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 260. Read. Considered.

LR 260 was adopted with 30 ayes, 0 nays, and 19 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 127 and 672.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 127

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 127:

In the Kahle amendments adopted 3/23, line 9, the first period has been stricken.

Enrollment and Review Changes to LB 672

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 672:

The Wesely amendment has been inserted on page 2, line 18, and page 3, line 10.

(Signed) Emory P. Burnett
E & R Attorney

MOTION - Reconsider Action on LB 202

Mr. Chambers renewed his pending motion found in the Journal on page 1249 to reconsider LB 202.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 22:

Beutler
Carsten
Chambers
Cope
DeCamp
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Remmers
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Burrows
Chronister
Clark
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Von Minden
Wagner

Present and not voting, 1:

Goodrich

Excused and not voting, 3:

Cullan
Marvel
Stoney

The Chambers motion to reconsider lost with 22 ayes, 23 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers moved to reconsider vote on reconsideration motion to LB 202.

Motion pending.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

Req. #2872

(Final Reading Copy)

1. On page 2, in lines 12, 13, 14, and 27 strike the new matter; in lines 12, 14, and 26 reinstate the stricken matter; and in line 15 after the period insert "On January 6, 1983, the salary of the Governor as provided for in this section shall be increased by five per cent. On January 1, 1984, and on January 1 of the next two succeeding years the Governor's salary shall be increased by five per cent over the previous year's salary.".

2. On page 3, line 1, after the period insert

“On January 6, 1983, the salaries of the commissioners as provided for in this section shall be increased by five per cent. On January 1, 1984, and on January 1 of the next two succeeding years, the commissioners’ salaries shall be increased by five per cent over the previous year’s salaries.”; strike beginning with “Until” in line 16 through the period in line 19 and show the old matter as stricken; in lines 21 and 22 strike the new matter; in lines 21, 22, and 23 reinstate the stricken matter; and in line 23 after the period insert “On January 6, 1983, the salary of the Attorney General as provided for in this section shall be increased by five per cent. On January 1, 1984, and on January 1 of the next two succeeding years the Attorney General’s salary shall be increased by five per cent over the previous year’s salary.”.

3. On page 4, strike beginning with “Until” in line 1 through the period in line 10 and show the old matter as stricken; in lines 11, 13, 15, 16, and 18 strike the new matter and reinstate the stricken matter; in line 18 after the period insert “On January 6, 1983, the salaries of the Secretary of State, Auditor of Public Accounts, State Treasurer, and Lieutenant Governor shall be increased by five per cent. On January 1, 1984, and on January 1 of the next two succeeding years such salaries shall be increased by five per cent over the previous year’s salaries.”.

GENERAL FILE

LEGISLATIVE BILL 761. Considered.

Messrs. Wesely, Remmers, and Rumery offered the following amendment:

1. Insert the following new section:

“Sec. 131. Agency 51 - University of Nebraska at Lincoln Program 912. The Board of Regents of the University of Nebraska is hereby authorized to develop a program statement for the renovation of Morrill Hall on the Lincoln Campus including upgrading of the mechanical system to ensure adequate climate control for the protection and preservation of the exhibits of the museum. There is hereby appropriated $20,000 from the State Building Fund for the fiscal year ending June 30, 1983, to develop the program statement.”.

2. Renumber remaining sections accordingly.

MR. CLARK PRESIDING

Amendment pending.

POINT OF PERSONAL PRIVILEGE

Mr. Chambers spoke to a point of personal privilege.

GENERAL FILE

LEGISLATIVE BILL 761. Messrs. Wesely, Remmers, and Rumery renewed their pending amendment found in this day's Journal.

Mr. Wesely moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Wesely requested a roll call vote on the amendment.

Voting in the affirmative, 21:

Apking
Beutler
Burrows
Chambers
Chronister
Duda
Fowler
Goll
Hoagland
Johnson, V.
Koch
Landis
Marsh
Newell
Remmers
Rumery
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beyer
Carsten
Clark
Cope
DeCamp
Fenger
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Peterson, H.
Peterson, R.
Pirsch
Schmit
Wagner
Warner

Present and not voting, 1:

Dworak

Excused and not voting, 4:

Cullan
Marvel
Nichol
Stoney

The Wesely-Remmers-Rumery amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment:

Amendment to Committee Amendments

PURPOSE: To eliminate the $1,380,102 of general funds for drivers' education aid and add $1,380,102 of general funds for vocational education aid.

AMENDMENT:

In the Committee amendments to LB 761, on page 15, in line 14, strike "742,004" and insert "2,122,106"; in line 16, strike "6,351,640" and insert "7,731,742"; in line 21, strike "291,870" and insert "1,671,972".

On page 17, in line 23, strike "2,417,020" and insert "1,036,918"; in line 26, strike "21,215,364" and insert "19,835,262".

On page 18, in line 5, strike "1,380,102 General Funds,".

Mr. V. Johnson offered the following amendment to the Beutler amendment:

Strike the first paragraph.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 5:

Haberman
Higgins
Johnson, V.
Kahle
Labedz

Voting in the negative, 24:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
Fenger
Goll
Goodrich
Johnson, L.
Kilgarin
Koch
Kremer
Landis
Marsh
Remmers
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 15:

Beutler
Burrows
Chambers
Clark
Duda
Dworak
Fowler
Hefner
Hoagland
Lamb
Newell
Peterson, H.
Peterson, R.
Pirsch
Von Minden

Excused and not voting, 5:

Cullan
DeCamp
Marvel
Nichol
Stoney

The V. Johnson amendment lost with 5 ayes, 24 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Koch requested a record vote on the Beutler amendment.

Voting in the affirmative, 5:

Beutler
Dworak
Higgins
Johnson, V.
Labedz

Voting in the negative, 22:

Apking
Beyer
Burrows
Carsten
Chronister
Cope
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Landis
Marsh
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 17:

Barrett
Chambers
Clark
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hoagland
Kremer
Lamb
Newell
Peterson, R.
Schmit
Vickers
Wesely

Excused and not voting, 5:

Cullan
DeCamp
Marvel
Nichol
Stoney

The Beutler amendment lost with 5 ayes, 22 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Schmit offered the following amendment to LB 761:
Amendments to Committee Amendments to LB 761 (Req. 2729)
1. On page 23, line 10 strike "137,500" and insert "72,500"; in line 12 strike "744,332" and insert "679,332".
2. On page 28, line 19 strike "4,155,925" and insert "4,090,925"; and in line 22 strike "7,702,745" and insert "7,637,745".

Mr. Schmit asked unanimous consent to withdraw his pending amendment. No objections. So ordered.

Mr. Koch offered the following amendment:
Amend the Committee Amendments to LB 761:
Page 14, line 18 - change 35,397,969 to "38,816,084"
Page 14, line 21 - change 44,024,709 to "47,442,824"
Page 14, line 26 - change 34,732,488 to "38,150,603"
Page 18, line 24 - change 142,582,203 to 146,000,318
Page 19, line 1 - change 199,078,518 to 202,496,633

Mr. Koch moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Apking
Beyer
Burrows
Chambers
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Newell
Pirsch
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beutler
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Haberman
Hefner
Johnson, L.
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Excused and not voting, 4:

Cullan
Marvel
Nichol
Stoney

The Koch amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 208 From Governor

Mr. Koch moved that the Clerk be directed to request the Governor to return LB 208 to the Legislature for further consideration.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 24, 1982, at 10:25 a.m., were the following bills: 208, 383, 421, 677, 720, and 796.

(Signed) Hazel Kaltenberger, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 268.

Introduced by Chambers, 11th District.

WHEREAS, at the commencement of the Eighty-Seventh Legislature, Second Session, The Legislature adopted a written set of rules; and

WHEREAS, proceedings of the Legislature are to be governed by those rules; and

WHEREAS, those rules govern the actions of the Presiding Officer; and

WHEREAS, the Presiding Officer should abide by those rules and apply them impartially; and

WHEREAS, it is an abuse of authority if the Presiding Officer fails to comply with those rules or applies them arbitrarily; and

WHEREAS, on March 24, 1982, Presiding Officer Roland Luedtke steadfastly refused to recognize a reconsideration motion which was duly filed and brought before the Legislature, thereby, violating Rule 7(b) which states: ''Every motion to reconsider shall take preference over all other questions, except a motion to adjourn''; and

WHEREAS, the Presiding Officer's action was taken against Senator Ernie Chambers who is the only Black Member of the Legislature; and

WHEREAS, Senator Chambers demands to know whether the Rules of the Legislature are to be applied in his case as they are in the case of all other Members of the Legislature; and

WHEREAS, any rule of the Legislature which is disapproved by a majority of the elected Members ought to be repealed rather than disregarded or arbitrarily applied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature declares that no Member shall be accorded a status of respect and consideration less than that accorded any other Members.
2. That the Legislature does not approve of any action by the Presiding Officer which is based on partiality or violation of any Rule of the Legislature.
3. That the Legislature declares that the Rules of the Legislature shall be applied to each Member in a uniform, impartial manner.

Laid over.

VISITORS

Visitors to the Chamber were 12 students and teacher from Pleasant Hill, Dorchester; 20 students and teacher from Seward; 235 students and teachers from Burke High School, Omaha; 42 students and teachers from Christ The King School, Omaha; and 5 students and teacher from O'Dell.

RECESS

At 12:03 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cullan, Marvel, Stoney, and Wesely who were excused; and Messrs. Burrows, Fowler, Goodrich, Hoagland, V. Johnson, Newell, Nichol R. Peterson, Schmit, Mesdames Labedz, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 761. Mr. Koch offered the following amendment:

Amend the Committee Amendments on LB 761
Page 14, line 18 - change 35,397,695 to "36,397,695"
Page 14 line 21 - change 44,024,709 to "45,024,709"
Page 14 line 26 - change 34,732,488 to "35,732,488"
Page 18 line 24 - change 142,582,203 to "143,582,203"
Page 19 line 1 - change 199,078,518 to "200,078,518"

Mr. Koch moved for a Call of the House. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Apking
Burrows
Chambers
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Newell
Sieck
Vickers
Wiitala

Voting in the negative, 25:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Present and not voting, 2:

Beutler
Dworak

Excused and not voting, 8:

Cullan
Fowler
Goodrich
Marvel
Nichol
Pirsch
Stoney
Wesely

The Koch amendment lost with 14 ayes, 25 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

Advanced to E & R for Review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 967. Title read. Considered.

Standing Committee amendments, Req. #2802, found in the Journal on page 1148 for the Forty-Second Day were adopted with 27 ayes, 4 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Standing Committee amendment found in the Journal on page 778 for the Twenty-Sixth Day was considered.

Mr. Carsten renewed his pending amendment to the Standing Committee amendment found in the Journal on page 1351.

The Carsten amendment was adopted with 22 ayes, 3 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Vickers and Koch offered the following amendment to the Standing Committee amendment:
Insert 30

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dworak requested a record vote on the Vickers-Koch amendment.

Voting in the affirmative, 10:

Apking
Beutler
Duda
Dworak
Goodrich
Koch
Labedz
Pirsch
Sieck
Vickers

Voting in the negative, 29:

Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Fenger
Fowler
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 4:

Chambers
DeCamp
Higgins
Schmit

Excused and not voting, 6:

Cullan
Lamb
Marvel
Nichol
Stoney
Wesely

The Vickers-Koch amendment lost with 10 ayes, 29 nays, 4 present and not voting, and 6 excused and not voting.

Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 269.

Introduced by Burrows, 30th District.

WHEREAS, high interest rates historically have hastened major recessions and depressions and have typically resulted in increased income disparities; and

WHEREAS, high interest rates force extreme hardships upon selected businesses including, but not limited to, home builders, farmers, contractors, manufacturers, shippers, energy producers, and major processors which require massive capital expenditures for efficiency and quality advancements; and

WHEREAS, high interest rates force extreme hardships upon consumers, add to the costs incurred by American businesses which are passed on to the American consumers, and cause many businesses to close.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges President Reagan, his Cabinet, Congress, and the Federal Reserve Board to do all within their power to lower the rate of interest charged by any and all lending institutions.
2. That the Legislature urges the President, his Cabinet, Congress, and the Federal Reserve Board to deal with the problem of inflation through means other than artificial increases in interest rates.
3. That the Clerk of the Legislature send copies of this resolution to President Reagan, members of his Cabinet, Nebraska's delegation in both houses of Congress, and members of the Federal Reserve Board.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 753. Title read. Considered.

Mr. Carsten moved to reject the Standing Committee amendment.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

The Carsten motion to reject the Standing Committee amendment prevailed with 25 ayes, 11 nays, 7 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 676. No objections. So ordered.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not voting.

Mr. Newell requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner
Warner

Voting in the negative, 12:

Beutler
Burrows
Dworak
Fowler
Higgins
Koch
Labedz
Newell
Rumery
Sieck
Vickers
Wiitala

Present and not voting, 5:

Apking
Chambers
DeCamp
Pirsch
Schmit

Excused and not voting, 6:

Cullan
Lamb
Marvel
Nichol
Stoney
Wesely

Advanced to E & R for Review with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Haberman moved to adjourn.

Mr. Koch moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Koch requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 23:

Apking
Burrows
Chronister
Clark
Cope
DeCamp
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kremer
Marsh
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner

Voting in the negative, 14:

Beutler
Carsten
Dworak
Fenger
Fowler
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Vickers
Wiitala

Present and not voting, 2:

Goll
Peterson, R.

Excused and not voting, 7:

Cullan
Duda
Lamb
Marvel
Nichol
Stoney
Wesely

Absent and not voting, 3:

Barrett
Beyer
Chambers

The motion to adjourn prevailed with 23 ayes, 14 nays, 2 present and not voting, 7 excused and not voting, and 3 absent and not voting.

VISITORS

Visitors to the Chamber were 37 students and teachers from Monroe High School; 40 elementary school students and teachers from Waterloo; and 30 fifth grade students and teacher from St. Mary's Catholic School, Lincoln.

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:30 a.m., Monday, March 29, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 29, 1982

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 29, 1982

Pursuant to adjournment, the Legislature met at 9:31 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Father Edmund Placek, Sacred Heart Catholic Church, Burwell, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Apking, Messrs. DeCamp, Marvel, and Wagner who were excused; and Messrs. Chambers, Haberman, Koch, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 754. Placed on Select File as amended.
E & R amendments to LB 754:
1. Renumber original sections 2 and 3 as sections 3 and 4, new section 4 found in Req. 2730 as section 5, new section 4 found in Req. 2755 as section 6, original sections 4 to 8 as sections 7 to 11, new section 10 found in Req. 2755 as section 12, original sections 9 to 12 as sections 13 to 16, new section 15 found in Req. 2755 as section 17, original sections 13 to 15 as sections 18 to 20, section 19 found in Req. 2730 as section 21, original sections 16 and 17 as sections 22 and 23, original sections 18 and 19 as sections 25 and 26, new sections 28 and 29 found in Req. 2755 as sections 27 and 28,

original section 20 as section 29, and original sections 22 to 26 as sections 30 to 34.

2. On page 3, line 1, strike "588" and insert "558".

3. To harmonize amendments, strike all amendments to page 11, lines 20, 22, and 27, strike the new matter in such lines and insert "7,612,562", "1,000,827", and "16,903,255" respectively.

4. On page 14, line 24, insert "Laws 1981, LB 559, section 6, as amended by" after "That".

5. To harmonize amendments, on page 19, line 11, strike "2,929,818" and insert "~~2,929,818~~ 2,949,818"; and in line 14, strike "6,521,193" and insert "~~6,521,193~~ 6,541,193".

6. To harmonize amendments, strike new section 15 found in Req. 2730; and in Req. 2755, page 7, line 22, strike "530,230" and insert "~~530,230~~ 549,860"; and in line 24, strike "583,996" and insert "~~583,996~~ 603,626".

7. In Req. 2755, page 8, strike line 11 and insert "On page 35, after line 7, insert".

8. Strike the Req. 2730 amendment to page 48, line 9; on page 48, line 10 as amended, strike "12" and insert "8, 12," and insert a comma after "13"; in line 11 as amended strike the second "8" and insert "4, 8,"; in line 14, insert ", 31" after "28"; in line 19, strike "57" and insert "54, 57,"; in line 20, strike "20" and insert "5, 20,"; and strike the Req. 2730 amendment to line 21.

9. In the title, line 12, strike the second "section" and insert "sections 8, 12, and"; in line 14, strike "section" and insert "sections 4, 8, and"; in line 15 insert "10," after the fourth comma and insert "21," at the end of the line; in line 16, strike "31, and 36," and insert "27, and 31,"; and insert "16," at the end of line 17.

10. In the title, page 2, line 1, strike "28, 34, and 39," and insert "26, 28, 31, and 34," and at the end of the line insert "Laws 1981, LB 559,"; in line 5, strike "9" and insert "6, 9,"; in line 7, strike "57" and insert "54, 57,"; in line 9, strike "9" and insert "5, 9," and in line 11 insert "Laws 1981, LB 459A, section 13, and Laws 1981, LB 548, section 1," after the semicolon.

LEGISLATIVE BILL 522A. Placed on Select File.

LEGISLATIVE BILL 942. Placed on Select File as amended.
E & R amendments to LB 942:

1. On page 6, line 23, strike "cents" and show as stricken.

2. Renumber sections 13 and 15 in S. C. amendments as 12 and 13 respectively and original section 23 as 14, and original sections 25 to 29 as 15 to 19 respectively.

3. On page 25, line 26, strike "or".

4. In S. C. amendments, page 3, line 8, insert an underscored comma after "shall"; and in line 15, strike the comma.

5. In S. C. amendments, page 4, strike line 20 and insert "in line 17; strike beginning".

6. On page 32, line 16, insert ", and" before "43-626".

7. In the title, strike beginning with "to" in line 9 through line 11 and insert "to provide a fee and the use thereof;"; in line 16 strike "43-611," and insert "and"; and in page 2, strike line 1; in line 2 strike "83-1,143.03,"; in line 4 strike through the third comma; in line 6 insert "and" after the second comma; in lines 6 and 7 strike "and 79-1334,"; and strike beginning with the comma in line 9 through "1981" in line 10.

LEGISLATIVE BILL 966. Placed on Select File as amended.
E & R amendments to LB 966:

1. Renumber original section 7 as section 2, original section 13 as section 6, original section 19 as 11, original section 23 as 12, sections 13 and 14 in the S. C. amendments as 14 and 15, original section 29 as 16, original section 33 as 18, original section 35 as 19, original sections 39 to 41 as 20 to 22, section 22 in S. C. amendments as 23, original sections 49 and 50 as 24 and 25, section 25 in S. C. amendments as 26, original section 51 as 27, original sections 53 to 56 as 28 to 31, section 30 in S. C. amendments as 32, original section 59 as 33, and sections 32 and 33 in S. C. amendments as 34 and 35.

2. In S. C. amendments, page 7, line 9, strike "such" and insert "the"; and in line 16 strike "are" and insert "is".

3. On page 74, line 27, strike "set at rates".
4. On page 75, strike lines 1 to 3.
5. In the title, line 4, insert "to provide and change duties;" after the second semicolon; and strike the remainder of the title and insert "sections 42-123, 54-820.01, 54-1165, 54-1704, 54-2002, 60-412, 71-1116, 71-1903, 71-2619, 71-4624, 81-528, 81-8,260.01, and 81-1403, Reissue Revised Statutes of Nebraska, 1943, sections 23-1218, 53-131, 71-604.01, 71-2618, 71-4305, 71-5834, 71-5836, 71-5837, 81-2,162.23, 81-550, 84-1206, 84-1225, and 89-187, Revised Statutes Supplement, 1980, and sections 2-3930, 71-2018, 81-502, 81-1423, and 81-1429, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 71-507 to 71-514, Reissue Revised Statutes of Nebraska, 1943, and section 71-515, Revised Statutes Supplement, 1980.".

LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 970A. Placed on Select File as amended.
E & R amendments to LB 970A:

1. On page 12, line 5, strike "Aircrafts" and insert "Aircraft".
2. On page 29, strike beginning with "Department" in line 25 through the dash in line 26.
3. On page 36, line 11 after "Nebraska" insert "Political".
4. In the title, line 5, strike "to provide severability;".

LEGISLATIVE BILL 761. Placed on Select File as amended.
E & R amendments to LB 761:

Amendments to Req. 2729

1. On page 1, line 8, strike "89" and insert "92".
2. On page 83, line 26, insert an underscored period after "projects".
3. Renumber section 131 found on page 147, as 139.

LEGISLATIVE BILL 967. Placed on Select File.
LEGISLATIVE BILL 760. Placed on Select File.
LEGISLATIVE BILL 753. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee desires to report favorably upon the appointments or reappointments listed below. The Public Health and Welfare Committee suggests the appointments or reappointments be confirmed by the Legislature and suggests a record vote.

Henry Barthuly, Commission for the Hearing Impaired
Patricia Kloster, Commission for the Hearing Impaired
Wilma Dobesh, Rural Health Manpower Commission
Ray Young, Advisory Committee to the Departments of Public Welfare, Institutions, and Corrections

Vote For: Senators Barrett, Fenger, Higgins, R. Peterson, and Apking. (5) Against: None. Not Voting: None. Absent: Senators Cullan and Wesely. (2)

(Signed) Samuel K. Cullan, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 605 and 714.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 605

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 605:

In the title, line 2, "section 81-586" has been stricken and "sections 81-586 and 81-5,100" inserted; and in line 8 "to prohibit a requirement by political subdivisions;" has been inserted after the second semicolon.

Enrollment and Review Changes to LB 714

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 714:

1. In the Fenger amendments, request 2818, page 2, line 2, and page 3, line 21, a comma has been inserted after "including" and on page 4, line 20 "(5)" has been stricken and "(4)" inserted.

(Signed) Emory P. Burnett
E & R Attorney

MESSAGES FROM THE GOVERNOR

March 24, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 775 and 776 were delivered to my office on March 22, 1982.

These bills were signed by me on March 24 and filed with the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

March 25, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, and 962 were received in my office March 19, 1982. On March 22, 1982 Engrossed Legislative Bills 259, 642, 644, 678, 696, 828, and 845 were received.

All of these bills were signed by me on March 24, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

March 26, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 767 and 767A were delivered to my office March 22, 1982.

These bills were signed by me on March 26, 1982 and filed with the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 222

March 17, 1982

Dear Senator Vickers:

In your letter of March 11, 1982 you call our attention to Legislative Bill 647 which would, as amended, provide that no citizen could circulate initiative or referendum petitions outside his or her county of residence, and further, that no citizen could be reimbursed for expenses by a group or organization sponsoring a petition or referendum and ask our opinion as to the constitutional validity of such restrictions given the provisions of the Nebraska Constitution reserving to the people the right of initiative and referendum.

In Article III, sections 2 and 3 of the Constitution of the State of Nebraska the right to initiative and referendum have been specifically reserved to the people. The Nebraska Supreme Court has held generally that these reserved rights should be construed to make effective the powers reserved. Klosterman v. Marsh, 180 Neb. 506, 143 N.W.2d 744 (1966). There they further held that legislation which would hamper or render ineffective the power reserved to the people would be unconstitutional. See, also, State ex rel. Ayres v. Amsberry, 104 Neb. 273, 177 N.W. 179.

However, as you are no doubt aware the Constitution also authorizes the Legislature to enact laws to facilitate the operation of the initiative or referendum powers and the Nebraska Supreme Court has held that the Legislature may enact reasonable legislation to prevent fraud or to render intelligible the purpose of the proposal. State v. Amsberry, supra.

Specifically, the Nebraska Supreme Court held in State ex rel. Winter v. Swanson, 138 Neb. 597, 294 N.W. 200 (1940), "Any legislative act which tends to insure a fair, intelligent, and impartial result on the part of the electorate may be said to facilitate the exercise of the initiative power."

Therefore, we would be of the opinion that so long as the purpose of the restrictions is reasonable and is designed to prevent fraud or to render more intelligible the purpose of any initiative or referendum effort that our Supreme Court would find such restrictions constitutional as promoting a fair, intelligent and impartial result.

In this regard it might be desirable should the Legislature ultimately enact such provisions to have provided either in the body of the law or in the legislative history a concise statement of the legislative purpose. If we can be of further assistance to you on this matter, please let us know.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:sjr
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 223
March 22, 1982

Re: Constitutionality of LB 700

Dear Senator Wesely:

We are responding to your request in which you ask us to review the constitutionality of LB 700, requiring the Natural Resources Districts to create subdistricts from which members of the district board are to be elected. Specifically, you express concern about section 3 of that proposal, which authorizes population variances between subdistricts not to exceed a ratio of two-to-one. Population variances of such subdistricts allows electors from less populated subdistricts to have more powerful votes than their neighbors in subdistricts with larger populations. The issue seems to be whether this departure from the one-man, one-vote concept is constitutionally permissible in light of the unique nature of natural resources districts.

The one-man, one-vote concept was explained in Hadley v. Junior College District of Metropolitan Kansas City, Missouri, 397 U.S. 50, 90 S.Ct. 791, 25 L.Ed.2d 45 (1970), wherein the court stated:

> [A]s a general rule, whenever a state or local government decides to select persons by popular election to perform governmental functions, the equal protection clause of the Fourteenth Amendment requires that each qualified voter must be given an equal opportunity to participate in that election, and when members of an elected body are chosen from separate districts, each district must be established on a basis that will insure, as far as is practicable, that equal numbers of voters can vote for proportionately equal numbers of officials.

(Emphasis added.) Id. at 397 U.S. 57.

The United States Supreme Court in Ball v. James, ___ U.S. ___, 68 L.Ed.2d 150 (1981), and Salyer Land Company v. Tulare Lake Basin Water Storage District, 110 U.S. 719, 94 S.Ct. 1224, 35 L.Ed.2d 659 (1963), affirmed statutes that limited the class of electors of districts similar to our natural resources districts to land owners with holdings of a certain size or larger. In each case, registered voters outside the designated class of electors brought suit alleging that such limitation of the electors constituted a violation of the one-man, one-vote principle. In each case, the court held that the "disproportionate relationship [that] the district's function bear[s] to the specific class of people whom the system makes eligible to vote," justified the departure. Ball v. James, at ___, 68 L.Ed.2d at 163.

Unfortunately, neither Ball nor Salyer involved a challenge to an apportionment scheme; each dealt with a challenge to a class of electors. However, Hadley did deal with the subdistricting scheme much like that proposed in LB 700. The Hadley court, while acknowledging the broad governmental powers of a junior college district, expressly declined to distinguish elections on the basis of their purposes. Rather, the court held that the class of eligible electors would determine whether equal apportionment between subdistricts was required.

The rule that emerges from Ball, Salyer, and Hadley, allows State Legislatures to regulate the class of electors, where "the effect of the entity's operation on them [is] disproportionately greater than the effect on those" otherwise qualified voters excluded from the class. Ball v. James at ___, 68 L.Ed.2d at 163. The unique nature of the governmental body is merely a constitutional justification for limiting the class of electors, not allowing disproportionate voting allocation. Thus, where the class of electors is not limited, the principle of one-man, one-vote is applicable.

Since LB 700 designates all resident electors as eligible voters without attempting to limit the class of electors, the principle of one-man, one-vote governs and variances are not authorized. Therefore, it is our conclusion, that the authorized variances from the one-man, one-vote principle contained in LB 700 are unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 224
March 23, 1982

Dear Senator Hefner:

You have asked the following questions in regard to Legislative Bill 611:

1. For purposes of legal liability in the event of a lawsuit brought for damages occurring as a result of insufficient maintenance of a road maintained by a township, is a township treated like an incorporated municipality regardless of whether it is actually incorporated, or is the county responsible for the defense of the suit unless it clearly falls within the "incorporated municipality" category?
2. Who would a plaintiff properly sue for damages on a township-maintained road where no incorporated entity exists?
3. In the event an incorporated municipality exists within a township but the township boundaries are broader than the municipal corporate limits, who would a plaintiff sue for damages occurring on a road maintained by the township, but outside the corporate limits of the city?
4. In each such case, is the township or the county, or some combination thereof, responsible for defending the suit?

The primary source for answers to your questions is the Political Subdivisions Tort Claims Act, cited as Neb.Rev.Stat. §§23-2401, et seq., (Reissue 1977), which provides the exclusive remedy for tort claims, Christensen v. City of Tekamah, 201 Neb. 344, 268 N.W.2d 93 (1978).

Under Section 23-2402 of this Act, the following definitions are made:

> "(1) Political subdivision shall include villages, cities of all classes, counties, school districts, public power districts, and all other units of local government. Political subdivision shall not be construed to include any contractor with a political subdivision;
>
> (2) Governing body shall mean the village board of a village, the city council of a city, the board of commissioners or board of supervisors of a county, the board of directors of a public power district, and any duly elected or appointed body holding the power and authority to determine the appropriations and expenditures of any other unit of local government;"

Further, Section 23-2410 of the Act provides:

> "If any person suffers personal injury or loss of life, or damage to his property by means of insufficiency or want of repair of a highway or bridge or other public thoroughfare, which a political subdivision is liable to keep in repair, the person sustaining the loss or damage, or his personal representative, may recover in an action against the political subdivision, . . ."

The questions to answer are, thus, (a) whether townships are units of local government, and, (b) if so, what is their legal responsibility for keeping roads in repair.

The answer to question (a) is found in the case of Wilson v. Ulysses Township, 72 Neb. 807 (1904), wherein at page 812 it is stated without equivocation, "they (townships) are subdivisions of the state government upon which, for convenience, certain powers have been conferred, strictly limited however to the exercise of certain functions more easily carried out by subdivision". The case analysis compares counties and townships and finds little difference except in degree and territorial extent of jurisdiction. This holding was later confirmed in the case of State v. Bone Creek Township, Butler County, 109 Neb. 202, 190 N.W. 586 (1922), rehearing denied 109 Neb. 202, 193 N.W. 767 (1922), citing Wilson v. Ulysses Township, supra.

As regards question (b), historically, the Nebraska Supreme Court, under statutes then in existence and prior to passage of the Political Subdivisions Tort Claims Act, held that "in counties under township organization the county itself is no longer liable for the construction, maintenance and repair of the public highways within the several towns; that in such case the towns are chargeable with that duty, and are liable for its performance." Goes v. Gage County, 67 Neb. 616, 93 N.W. 923 (1903). But, following later legislation, opinion of the Attorney General No. 136 of July 28, 1972, was released, a copy of which is attached, which opinion places prime responsibility for rural highways in the county board, but recognizes concurrent responsibility for the maintenance of township roads in township boards. Accepting this position, in answer to your first question, it is apparent that either or both the township and county could be sued for damages occurring as a result of insufficient maintenance of a road maintained by a township, township being construed to mean either a "regular" township or one created to encompass only a single municipality. The same answer would apply to your remaining three questions.

You further request suggested amendatory legislation if indicated. Whether such legislation is indicated would seem to depend on whether the Legislature wishes to more sharply define and allocate legal liability between counties and townships. It would seem rather apparent that as of now, under this opinion most, if not all, lawsuits would be directed at the county.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Randall E. Sims
Assistant Attorney General

RES/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 225
March 23, 1982

Dear Senator Haberman:

This is in reply to your inquiry concerning LB 127, final reading draft.

You inquire whether or not the State Surveyor could use his office, office staff and his own time necessary to operate the record repository created by LB 127.

Assuming the State Surveyor's office is operated solely by general fund appropriations, as you indicate in your letter, he would not be able to do so.

This is because Section 18 of LB 127 specifically provides: "No expense for developing or maintaining the survey record repository shall be paid for by funds from the General Fund."

Section 17 of said bill also provides that the State Surveyor receive and account for all money received from operating the record repository and pay such to the State Treasurer who shall keep such money in a separate fund to be known as the Survey Record Repository Fund. Such fees are established by Section 16(4) of said act.

In light of the specific requirements of Section 17 for paying the fees over to the state treasury, and the specific limitation of Section 18 that no funds from the general fund be used to develop or maintain the survey record repository, it would, in our opinion, be a misuse of funds if personnel or other items supported by the general fund in the State Surveyor's office, or any other office supported by the general fund, were loaned or used to establish and maintain the survey record repository.

Respectfully submitted,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jmf
t6
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 226
March 24, 1982

Dear Senator Carsten:

You have asked our opinion as to the constitutional validity of your amendment to the committee amendments to LB 816, which have now been adopted and are a part of LB 816. We will confine our opinion to a discussion of your amendment, rather than discuss the bill as a whole.

Your amendment would provide for the payment of $17,700,000 in state aid to the counties, to be distributed on the basis of the ratio of the total amount of property taxes levied by each county for county purposes to the total amount of property taxes levied by all counties for county purposes. It is our conclusion that this is a constitutionally valid formula for distribution.

We say this despite the fact that some language in State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980) may cast some doubt on the matter. In that case the court held a provision granting state aid on the basis of increases in the total amount of taxes levied in the county to be invalid, saying that it rewarded a county for imposing a higher mill levy, thereby raising more taxes, and penalized it for acting cautiously and carefully, reducing the levy. The court held this to be irrational. The same argument can be made with respect to your amendment.

Nevertheless, we would be prepared to defend the provision we are considering. We think perhaps it can be distinguished from the facts in State ex rel. Douglas v. Marsh, and we point out that the holding on that particular issue was not argued or advanced by either party to the suit, so the court has not had the advantage of adversary arguments on the matter.

We are prepared to argue that the formula you propose is rational. It reflects the tax effort of each county, and will result in all of the counties' in the state receiving the same percentage of the amount they raise by a property tax for county purposes. In effect, it amounts to the state's contributing a certain percentage of the county tax burden to each county, the percentage the same for each. We do not believe such a system is wholly irrational. The law is clear that if a rational basis exists for legislation, the court will not question the judgement of the legislature. See, State ex rel. Douglas v. Gradwohl, 194 Neb. 745, 235 N.W.2d 854 (1975).

Certainly an argument can be made that tying sate aid to taxes raised by the county gives the county an opportunity to unilaterally increase the aid by increasing the taxes. There are, however, political considerations, consisting of taxpayer reaction, which may tend to minimize any deliberate attempts to benefit from this situation. The Legislature could well conclude that such constraints were enough to prevent an abuse of the system. We do not believe the court will overrule the Legislature on such a question, even if it disagrees.

We are further persuaded that the formula can be upheld by the fact that this formula has been used by many states for distributing state aid. we have read a publication entitled "The State of State-Local Revenue Sharing," published by the Advisory Commission on Governmental Relations in December of 1980. On pages 11 and 12 of this publication it is stated that many states have avoided the problems of determining and combining a large number of need and tax capacity indicators, and have used similar methods. One of the two basic formulas given as examples arrives at the aid factor by dividing the community taxes by the statewide total of community taxes. This, of course is the formula we are considering.

On page 49 we find a discussion of Maryland's formulas for distributing state aid. One of those formulas distributes it in proportion to the local property tax levy. The discussion makes it clear that "levy" means the taxes raised by property taxation, and not the mill levy, so this formula is identical to yours.

We are not suggesting that simply because other states have used such a formula guarantees that our court will consider it rational. Nevertheless, the fact that a number of states have used such a formula should have some weight.

We believe your amendment is rationally based, and are prepared to defend it.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/w2
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 270.

Introduced by Newell, 13th District.

WHEREAS, Public Land Order 1653 established the Sandhills Experimental forest and range site in Cherry County in 1958; and

WHEREAS, former Nebraskan, Fred Seaton, issued the public land order to set aside this land as a national forest; and

WHEREAS, the Sam McKelvie National Forest is one of the largest man-made forests in the world; and

WHEREAS, the Sandhills soil is fragile and cannot withstand the pressures of mining or mineral leasing; and

WHEREAS, Nebraska is the home of J. Sterling Morton, the founder of Arbor Day, and has been commited to the preservation of it's limited forest lands and trees; and

WHEREAS, grazing is presently permitted on these lands and mining would destroy this unique and fragile ecological balance;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

that paragraph four of Public Land Order 6220 be rescinded to prevent entry into the McKelvie Forest for purposes of mining due to the fragile soils and unique nature of this man-made forest.

THEREFORE, BE IT FURTHER RESOLVED:

that the Nebraska Unicameral petition Secretary of the Interior, James Watt, to amend his order to exclude the McKelvie Forest and preserve Nebraska's small national forest lands; and

THEREFORE, BE IT FURTHER RESOLVED:

that the Nebraska Unicameral send copies of this resolution to the Secretary of the Interior, the Secretary of Agriculture, President Reagan, and members of the Nebraska delegation to Congress.

that the Nebraska Unicameral send copies of this resolution to the Secretary of the Interior, the Secretary of Agriculture, President Reagan, and members of the Nebraska delegation to Congress.

Laid over.

UNANIMOUS CONSENT - Withdraw Name

Mr. Wiitala asked unanimous consent to remove his name as co-sponsor of the amendment (Request 2652) to LB 652 found on page 1328 of the Journal. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 757. Title read. Considered.

Mr. Beutler moved to indefinitely postpone LB 757.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Lamb moved for a Call of the House. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

The motion to cease debate lost with 20 ayes, 17 nays, and 12 not voting.

The Chair declared the Call raised.

Messrs. Lamb and Cope asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Beutler requested a roll call vote on his motion.

Voting in the affirmative, 15:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Kahle
Kilgarin
Labedz
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 30:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.

Johnson, V.
Koch
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Von Minden
Warner

Excused and not voting, 4:

Apking
DeCamp
Marvel
Wagner

The Beutler motion to indefinitely postpone lost with 15 ayes, 30 nays, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Von Minden

Voting in the negative, 13:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Kahle
Labedz
Rumery
Sieck
Stoney
Wesely
Wiitala

Present and not voting, 6:

Beyer
Kilgarin
Lamb
Marsh
Vickers
Warner

Excused and not voting, 4:

Apking
DeCamp
Marvel
Wagner

Advanced to E & R for Review with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 568 or LB 948 in the Journal. No objections. So ordered.

(1)

Req. #2883

1. Insert the following new sections:

"Sec. 9. That section 28-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-303. (1) A person commits murder in the first degree if he or she kills another person ~~(1)~~ (a) purposely and with deliberate and premeditated malice, or ~~(2)~~ (b) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or ~~(3)~~ (c) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he or she purposely procures the conviction and execution of any innocent person. ~~The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.~~

(2) (a) Except as provided in subdivision (b) of this subsection, any person convicted of murder in the first degree shall be guilty of a Class IA felony.

(b) Any person convicted of murder in the first degree shall be guilty of either a Class I or Class IA felony if he or she kills another person purposely and with deliberate and premeditated malice while legally confined in or under the care, custody, or control of a jail or correctional or penal institution. The determination of whether a murder in the first degree subject to this subdivision shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.

(3) The laws affecting both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory pursuant to sections 83-1,107 and 83-1,107.01 shall not apply to reduce the period of imprisonment of a person convicted of first degree murder.

Sec. 10. Upon application of the convicted person, a person convicted of first degree murder who has served a term of imprisonment of at least thirty years for such violation shall receive a hearing before the Board of Pardons at the first regular meeting of the board following such application, and each five years thereafter so long as he or she shall remain under the care, custody, or control of the State of Nebraska.

Sec. 11. Sections 9 to 14 of this act shall apply to all cases in which judgment has not become final as of the effective date of this act.

Sec. 12. That section 83-1,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,107. (1) ~~The~~ Except as provided in section 28-303, the chief executive officer of a facility shall reduce for good behavior the term of a committed offender as follows: Two months on the first year, two months on the second year, three months on the third year, four months for each succeeding year of his or her term and pro rata for any part thereof which is less than a year. The total of all such reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted:

(a) From his or her minimum term, to determine the date of his or her eligibility for release on parole; and

(b) From his or her maximum term, to determine the date when his or her discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility, with the approval of the director after the offender has been consulted regarding the charges of misconduct.

(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his or her parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.

(4) Good time or other reductions of sentence granted under the provisions of any law prior to August 24, 1975, may be forfeited, withheld, or restored in accordance with the terms of this act.

Sec. 13. That section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,107.01. (1) ~~In~~ Except as provided in section 28-303, in addition to the reductions provided in section 83-1,107, an offender shall receive, for faithful performance of his or her assigned duties, a further reduction of five days for each month of his or her term. The total of all such reductions shall be deducted from his or her maximum term to determine the date when his or her discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been consulted regarding any charges of misconduct.

(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his or her parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.

Sec. 14. That section 83-1,127, Revised Statutes Supplement, 1981, be amended to read as follows:

83-1,127. The Board of Pardons shall:

(1) Exercise the pardon authority as defined in section 83-170 for all criminal offenses except treason and cases of impeachment;

(2) Make rules and regulations for its own administration and operation;

(3) Appoint and remove all employees of the Board of Pardons and delegate appropriate powers and duties to them;

(4) Consult with the Board of Parole concerning applications for the exercise of pardon authority; and

(5) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the provisions of this act and section 13 of this act.".

2. On page 16, line 15, after "28-106," insert "28-303,"; in line 16 strike "and" and after "39-669.34," insert "83-1,107, and 83-1,107.01,"; in line 17 strike "and"; in line 18 after "1980," insert "and section 83-1,127, Revised Statutes Supplement, 1981,"; in line 23 after "offenses" insert "and punishment"; in line 24 after "28-106," insert "28-303," and strike "and"; in line 25 after "39-669.34," insert "83-1,107 and 83-1,107.01,"; in line 26 strike "and"; and in line 27 after "1980" insert ", and section 83-1,127, Revised Statutes Supplement, 1981".

3. On page 17, line 7, after the semicolon insert "to change provisions relating to the death

penalty; to limit provisions relating to parole and discharge from custody;”.

4. Renumber remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 568 or LB 948 in the Journal. No objections. So ordered.

(2)

Req. #2887

1. Insert the following new sections:

“Sec. 9. Every person found guilty of murder in the first degree shall suffer death if any one or more of the special circumstances enumerated in section 11 of this act have been charged and found to be true in the manner provided in section 10 of this act. Every person otherwise found guilty of murder in the first degree shall suffer confinement in the Department of Correctional Services adult correctional facility for life. Every person found guilty of murder in the second degree shall be punished by imprisonment in the Department of Correctional Services adult correctional facility from five years to life.

Sec. 10. (1) In any case in which the death penalty is to be imposed as the penalty for an offense only upon the finding of the truth of the special circumstances enumerated in section 11 of this act, the guilt or innocence of the person charged shall first be determined without a finding as to penalty. If such a person has been found guilty of such an offense, and has been found sane on any plea of not guilty by reason of insanity, and any one or more of the special circumstances enumerated in section 11 of this act have been charged, there shall be further proceedings on the issue of the special circumstances charged. The determination of the truth of any or all of the special circumstances charged shall be made by the trier of fact on the evidence presented. In case of a reasonable doubt whether a special circumstance is true, the defendant is entitled to a finding that is not true. The trier of fact shall make a special finding that each special circumstance charged is either true or not true. Wherever a special circumstance requires proof of the commission or attempted commission of a crime, such crime shall be charged and proved pursuant to the general law applying to the trial and conviction of a crime.

(2) If the defendant was convicted by the court sitting without a jury, the trier of fact shall be a jury unless a jury is waived by the defendant, in which case the trier of fact shall be the court. If the defendant

was convicted by a plea of guilty the trier of fact shall be a jury unless a jury is waived by the defendant. If the defendant was convicted by a jury, the trier of fact shall be the same jury unless, or good cause shown, the court discharges that jury, in which case a new jury shall be drawn to determine the issue of whether or not any of the special circumstances charged are true or not true.

(3) If the trier of fact finds, as to any person convicted of any offense under section 9 of this act requiring further proceedings that any one or more of the special circumstances enumerated in section 11 of this act as charged is true, the defendant shall suffer the penalty of death, and neither the finding that any of the remaining special circumstances charged is not true, nor if the trier of fact is a jury, the inability of the jury to agree on the issue of the truth or untruth of any of the remaining special circumstances charged, shall prohibit the imposition of such penalty.

(4) In any case in which the defendant has been found guilty by a jury, and the same or another jury is unable to reach a unanimous verdict that one or more of the special circumstances charged are true, and does not reach a unanimous verdict that all of such special circumstances charged are not true, the court shall dismiss the jury and shall order a new jury impaneled to try the issues, but the issue of guilt shall not be retried by such jury, nor shall such jury retry the issue of the truth of any of the special circumstances which were found by a unanimous verdict of the previous jury to be untrue. If such new jury is unable to reach a unanimous verdict that one or more of the special circumstances it is trying are true, the court shall dismiss the jury and impose the punishment of confinement in the Department of Correctional Services adult correctional facility for life.

Sec. 11. The penalty for a person found guilty of first degree murder shall be death in any case in which the trier of fact pursuant to the further proceedings provided for in section 10 of this act makes a special finding that:

(1) The murder was intentional and was carried out pursuant to an agreement with the defendant. An agreement, as used in this subdivision, shall mean an agreement by the person who committed the murder to accept valuable consideration for the act of murder from any person other than the victim; or

(2) The defendant personally committed the act which caused the death of the victim and any of the following additional circumstances exist:

(a) The victim is a peace officer who, while engaged in the performance of his or her duties, was intentionally killed, and the defendant knew or reasonably should have known that such victim was a peace officer engaged in the performance of his or her duties;

(b) The murder was willful, deliberate, and premeditated and the victim was a witness to a crime and was intentionally killed for the purpose of preventing his or her testimony in any criminal proceeding;

(c) The murder was willful, deliberate and premeditated and was committed during the commission or attempted commission of any of the following crimes:

(i) Robbery;

(ii) Kidnapping. Brief movements of a victim which are merly incidental to the commission of another offense and which do not substantially increase the victim's risk of harm over that necessarily inherent in the other offense do not constitute kidnapping within the meaning of this subdivision;

(iii) First degree sexual assualt by force or violence, or by threat of great and immediate bodily harm;

(iv) The performance of lewd or lascivious acts upon the person of a child under the age of fourteen years; or

(v) Burglary, of an inhabited dwelling house entered by the defendant with an intent to commit grand or petit larceny or first degree sexual assualt; or

(d) The defendant has in this or in any prior proceeding been convicted of more than one offense of murder of the first or second degree. For the purpose of this subdivision an offense committed in another jurisdiction, which if committed in Nebraska would be punishable as first or second degree murder, shall be deemed to be murder of the first or second degree.

Sec. 12. (1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the the age of eighteen years at the time of the commission of the crime. The burden of proof as to the age of such person shall be upon defendant.

(2) Except when the trier of fact finds that a murder was committed pursuant to an agreement as defined in subdivision (1) of section 11 of this act, the death penalty shall not be imposed upon any person who is a principal in the commission of a capital offense unless he or she was personally present during the commission of the act or acts causing death, and directly committed or physically aided in the commission of such act or acts.

Sec. 13. Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps, or carriers away any individual by any means whatsoever with intent to hold or detain, or who holds or detains such individual for ransom, reward, or to commit extortion or to exact from relatives or friends of such person any money or valuable thing, or any person who kidnaps or carries away any invididual to commit robbery, or any person who aids or abets any such act, is guilty of a felony and shall, upon conviction thereof, suffer death in cases in which any person subjected to any such act suffers death, or shall be punished by imprisonment in the Department of Correctional Services adult correctional facility for life in cases in which any person subjected to any such act suffers bodily harm, or shall be punished by imprisonment in the Department of Correctional Services adult correctional facility for life in cases where no such person suffers death or bodily harm.

Sec. 14. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight, or other train, car, or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car, or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car, or engine shall pass with the intention of wrecking such train, car, or engine, and thus wrecks the same, is guilty of a felony and punishable with death in cases in which any person subjected to any such act suffers death as a proximate result thereof, or imprisonment in the Department of Correctional Services adult correctional facility for life in cases where any person suffers bodily harm as a proximate result thereof, or imprisonment in the Department of Correctional Services adult correctional facility for life in cases where no person suffers death or bodily harm as a proximate result thereof.

Sec. 15. Unless otherwise provided by law every plea shall be put in by the defendant himself or herself in open court. No plea of guilty of a felony for which the maximum punishment is death or life imprisonment shall be received from a defendant who does not appeal with counsel, nor shall any such plea be received without the consent of the defendant's counsel. No plea of guilty to a capitol offense which does not require the further proceedings provided for in section 10 of this act shall be received from a defendant. No plea of guilty of a felony for which the maximum punishment is not death or life imprisonment shall be accepted from any defendant who does not appear with counsel unless the court shall first fully inform him or her of his or her right to counsel and unless the court shall find that the defendant understands his or her right to counsel and freely waives it and then, only if the defendant has expressly stated in open court, to the court, that he or she does not wish to be represnted by counsel. On application of the defendant at any time before judgment the court may, and in case of a defendant who appeared without counsel at the time of the plea the court shall, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. Upon indictment or information against a corporation a plea of guilty may be put in by counsel. This section shall be liberally construed to effect these objects and to promote justice.

Sec. 16. Nothing in sections 9 to 16 of this act shall be construed to require a defendant to appear in any proceedings under sections 9 to 16 of this act with counsel, if such defendant has voluntarily and intelligently elected to proceed in person without counsel.".

2. On page 16, line 23, after "offenses" insert "and punishments".

3. On page 17, line 7, after the semicolon, insert "to change certain provisions relating to the death penalty as prescribed; to provide certain restrictions; to provide guidelines for the applicability of the death penalty;".

4. Renumber remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 568 or LB 948 in the Journal. No objections. So ordered.

(3)

Req. #2891

1. Insert the following new sections:

"Sec. 9. That section 24-342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-342. On the application of the county attorney, or any party to a suit in which a record of the proceedings has been made, upon receipt of the writ of error as provided in section 29-2526, or upon the filing of a praecipe for a bill of exceptions by an appealing party in the office of the clerk of the district court as provided in section 25-1140, a transcribed copy of the proceedings so recorded, or any part thereof, shall be prepared. The reporter shall be entitled to receive, in addition to his or her salary, a fee of seventy-five cents per hundred words, to be paid by the party requesting the same, ~~;~~ except (1) ~~where~~ when such copy is required by the county attorney, the fee therefor shall be paid by the county in the same manner as other claims are paid, or (2) ~~where~~ when the defendant in a criminal case, after conviction, shall make an affidavit that he or she is unable by reason of his or her poverty to pay for such copy, the court or judge thereof may, by order endorsed on such affidavit, direct delivery of such transcribed copy to such defendant, and the fee therefor shall be paid by the county in the same manner as other claims are allowed or paid. ~~, or (3) when such copy is prepared in any criminal case in which the sentence adjudged is capital the fees therefor shall be paid by the county in the same manner as other claims are allowed or paid.~~ The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court. The fee paid shall be taxed, by the clerk of the district court to the party against whom the judgment or decree is rendered, except as otherwise ordered by the presiding district judge.

Sec. 10. That section 28-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-105. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into ~~six~~ five classes which are distinguished from one another by the following penalties which are authorized upon conviction:

~~Class I felony..........~~	~~Death~~
Class IA felony..........	Life imprisonment
Class IB felony..........	Maximum-life imprisonment Minimum-ten years imprisonment
Class II felony..........	Maximum-fifty years imprisonment Minimum-one year imprisonment
Class III felony.........	Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, or both Minimum-one year imprisonment
Class IV felony...........	Maximum-five years imprisonment, or ten thousand dollars fine, or both Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or

more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals.

Sec. 11. That section 28-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-303. A person commits murder in the first degree if he or she kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he or she purposely procures the conviction and execution of any innocent person. ~~The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.~~ Any person convicted of murder in the first degree shall be guilty of a Class IA felony. The laws affecting both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory pursuant to sections 83-1,107 and 83-1,107.01 shall not apply to reduce the period of imprisonment of a person convicted of first degree murder to less than thirty years, but shall otherwise be applicable.

Sec. 12. Sections 9 to 14 of this act shall apply to all cases in which judgment has not become final as of the effective date of this act.

Sec. 13. That section 83-1,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,107. (1) ~~The~~ Except as provided in section 28-303, the chief executive officer of a facility shall reduce for good behavior the term of a committed offender as follows: Two months on the first year, two months on the second year, three months on the third year, four months for each succeeding year of his or her term and pro rata for any part thereof which is less than a year. The total of all such reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted:

(a) From his or her minimum term, to determine the date of his or her eligibility for release on parole; and

(b) From his or her maximum term, to determine the date when his or her discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility, with the approval of the director after the offender has been consulted regarding the charges of misconduct.

(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his or her parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.

(4) Good time or other reductions of sentence granted under the provisions of any law prior to August 24, 1975, may be forfeited, withheld, or restored accordance with the terms of this act.

Sec. 14. That section 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,107.01. (1) ~~In~~ Except as provided in section 28-303, in addition to the reductions provided in section 83-1,107, an offender shall receive, for faithful performance of his or her assigned duties, a further reduction of five days for each month of his or her term. The total of all such reductions shall be deducted from his or her maximum term to determine the date when his or her discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services, reductions of such terms may be forfeited, withheld, and restored by the chief executive officer of the facility, with the approval of the director after the offender has been

consulted regarding any charges of misconduct.

(3) While the offender is in the custody of the Board of Parole, reductions of such terms may be forfeited, withheld, and restored by the Parole Administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of his or her parole. In addition, the Board of Parole may recommend such forfeitures of good time to the director.".

2. On page 16, line 15, after "sections" insert "24-342, 28-105,", and after "28-106" insert ", 28-303"; in line 16 strike "and" and before "Reissue" insert "83-1,107, and 83-1,107.01,"; in line 18 after "sections" insert "29-2519 to 29-2538, 29-2540 to 29-2546,"; in line 19 after "39-669.31" insert a comma; in line 20 after the second comma, insert "and section 29-2539, Revised Statutes Supplement, 1981,"; in line 23 after "offenses" insert "and punishments"; in line 24 after "sections" insert "24-342, 28-105,", after "28-106" insert ", 28-303", and strike "and"; and in line 25 after the first comma insert "83-1,107, and 83-1,107.01,".

3. On page 17, line 7, before "and" insert "to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to limit provisions relating to parole and discharge from custody;"; in line 8 after "sections" insert "29-2519 to 29-2538, 29-2540 to 29-2546,", and after "39-669.31" insert a comma; and in line 10 after "1943" insert ", and section 29-2539, Revised Statutes Supplement, 1981".

4. Renumber remaining sections accordingly.

Mr. Chambers asked unanimous consent to print the following amendment to LB 568 or LB 948 in the Journal. No objections. So ordered.

(4)

Req. #2893

1. Insert the following new sections:

"Section 1. That section 24-342, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-342. On the application of the county attorney, or any party to a suit in which a record of the proceedings has been made, upon receipt of the writ of error as provided in section 29-2526, or upon the filing of a praecipe for a bill of exceptions by an appealing party in the office of the clerk of the district court as provided in section 25-1140, a transcribed copy of the proceedings so recorded, or any part thereof, shall be prepared. The reporter shall be entitled to receive, in addition to his or her salary, a fee of seventy-five cents per hundred words, to be paid by the party requesting the same, ~~;~~ except (1) ~~where~~ when such copy is required by the county attorney, the fee therefor shall be paid by the county in the same manner as other claims are paid, or (2) ~~where~~ when the defendant in a criminal case, after conviction, shall make an affidavit that he or she is unable by reason of his or her poverty to pay for such copy, the court or judge thereof may, by order endorsed on such affidavit, direct delivery of such transcribed copy to such defendant, and the fee therefor shall be paid by the county in the same manner as other claims are allowed or paid. ~~, or (3) when such copy is prepared in any criminal case in which the sentence adjudged is capital the fees therefor shall be paid by the county in the same manner as other claims are allowed or paid.~~ The procedure for preparation, settlement, signature, allowance, certification, filing, and amendment of a bill of exceptions shall be regulated and governed by rules of practice prescribed by the Supreme Court. The fee paid shall be taxed, by the clerk of the district court to the party against whom the judgment or decree is rendered, except as otherwise ordered by the presiding district judge.

Sec. 2. That section 28-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-105. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into ~~six~~ five classes which are distinguished from one another by the following penalties which are authorized upon conviction:

~~Class I felony..........~~	~~Death~~
Class IA felony..........	Life imprisonment
Class IB felony..........	Maximum-life imprisonment Minimum-ten years imprisonment
Class II felony..........	Maximum-fifty years imprisonment Minimum-one year imprisonment
Class III felony.........	Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, or both Minimum-one year imprisonment
Class IV felony..........	Maximum-five years imprisonment, or ten thousand dollars fine, or both Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of

Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisiction to sentence in felony cases.

(3) Nothing in this section shall limit the authority granted in sections 29-2221 and 29-2222, to increase sentences for habitual criminals.

Sec. 4. That section 28-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-303. A person commits murder in the first degree if he or she kills another person (1) purposely and with deliberate and premeditated malice, or (2) in the perpetration of or attempt to perpetrate any sexual assault in the first degree, arson, robbery, kidnapping, hijacking of any public or private means of transportation, or burglary, or (3) by administering poison or causing the same to be done; or if by willful and corrupt perjury or subornation of the same he or she purposely procures the conviction and execution of any innocent person. ~~The determination of whether murder in the first degree shall be punished as a Class I or Class IA felony shall be made pursuant to sections 29-2520 to 29-2524.~~ Any person convicted of murder in the first degree shall be guilty of a Class IA felony.

Sec. 5. Sections 1, 2, and 4 of this act shall apply to all cases in which judgment has not become final as of the effective date of this act.".

2. On page 16, line 15, after "sections" insert "24-342, 28-105,", and after "28-106" insert ", 28-303"; in line 18 after "sections" insert "29-2519 to 29-2538, 29-2540 to 29-2546,"; in line 19 after "39-669.31" insert a comma; in line 20 after the second comma insert "and section 29-2539, Revised Statutes Supplement, 1981,"; in line 23 after "offenses" insert "and punishment"; in line 24 after "sections" insert "24-342, 28-105,", and after "28-106" insert ", 28-303"; and in line 27 after the semicolon insert "to eliminate the death penalty;".

3. On page 17, line 1, after the semicolon insert "to remove provisions relating to special procedures in cases of homocide; to provide for applicability;"; in line 8 after the second "sections"

insert "29-2519 to 29-2538, 29-2540 to 29-2546,", and after "39-669.31" insert a comma; and in line 10 after "1943" insert ", and section 29-2539, Revised Statutes Supplement, 1981".

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 928. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Req. #2744.)

(Signed) Jerome Warner, Chairperson

MOTION - Return LB 208 From Governor

Mr. Koch renewed his pending motion found in the Journal on page 1402 that the Clerk be directed to request the Governor to return LB 208 to the Legislature for further consideration.

Mr. Remmers requested a ruling of the chair on whether the motion is in order.

The Chair ruled the motion in order.

Mr. Koch moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Koch requested a roll call vote on his motion to return LB 208 from the Governor.

Voting in the affirmative, 25:

Barrett
Beutler
Carsten
Chambers
Chronister
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Rumery
Sieck
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 20:

Beyer
Burrows
Clark
Cope
Cullan
Duda
Dworak
Fenger
Haberman
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Vickers
Von Minden

Excused and not voting, 4:

Apking	DeCamp	Marvel	Wagner

The Koch motion prevailed with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the Call raised.

COMMUNICATION

March 29, 1982

The Honorable Charles Thone
Governor, State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Thone:

The Legislature has directed that I respectfully request of you the return of LB 208 to the Legislature for further consideration.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb

GENERAL FILE

LEGISLATIVE BILL 693. Title read. Considered.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments found in the Journal on page 778 for the Twenty-Ninth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Carsten renewed his pending amendment found in the Journal on page 1369.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

The Carsten amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 591 in the Journal. No objections. So ordered.

Amend the Goodrich amendment found in your bill book (white copy - Req. 2812) to add a new Section.
"The operative date on this Sect. shall be 1-1-83".

EXPLANATION OF VOTE

Explanation of vote on LB 208 (Koch motion to ask the Governor to return the bill to the Legislature.)
I voted "yes" because Sen. Koch requested my vote, despite my belief that return of LB 208 by the Governor will be a veto. Return will force resolution of the Constitutional issue.

(Signed) Ernie Chambers

RESOLUTION

LEGISLATIVE RESOLUTION 271.

Introduced by Kilgarin, 7th District; Landis, 46th District; Wiitala, 31st District; Dworak, 22nd District; Pirsch, 10th District; Higgins, 9th District; Rumery, 42nd District; Newell, 13th District; Labedz, 5th District; Beutler, 28th District; Chronister, 18th District; Goll, 16th District; V. Johnson, 8th District; Hoagland, 6th District; Fowler, 27th District; Marsh, 29th District; Burrows, 30th District; Koch, 12th District; Kremer, 34th District; Chambers, 11th District; Vickers, 38th District; Barrett, 39th District; Duda, 14th District; Sieck, 24th District.

WHEREAS, community-based programs and services provide an integral support system to 45,000 older Nebraskans who might otherwise be institutionalized in long-care facilities; and,
WHEREAS, the Nebraska Commission on Aging has impounded state and federal funds specifically earmarked for the funding of community-based programs and services for older persons; and,
WHEREAS, Nebraska's area agencies on aging will be forced to reduce the amount of funding for community-based programs and services to the aging, due to the impoundment by the Nebraska Commission on Aging; and,

WHEREAS, state and federal funds for community-based programs and services for the aging have not been reduced by any current action of the State of Nebraska or the United States Government; and,

WHEREAS, it is in the best interest of the elderly citizens of the State of Nebraska to remain in their own homes and communities for the maximum feasible period of time; and,

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Commission on Aging is urged to immediately rescind its action impounding state and federal funds available to community-based programs and services for the aging;
2. That Governor Charles Thone immediately take corrective action, should the NCOA not rescind its impoundment, to reverse the action of the Commission;
3. That a special committee of the Legislature shall be immediately designated to conduct a study of impoundment actions of the Nebraska Commission on Aging and draft statutes to preclude such unwarranted and unprecedented actions in the future.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 488A in the Journal. No objections. So ordered.

PURPOSE: To provide appropriations consistent with amendments (Request 2872) printed on Legislative Journal pages 1397 - 1398 for Legislative Bill 488.

AMENDMENT:

1. On page 2:
   (a) in lines 2 and 3 strike "five thousand six hundred dollars" and insert "$1,075";
   (b) in lines 4 and 5 strike "eleven thousand two hundred dollars" and insert "$3,279".
2. On page 2:
   (a) in lines 10 and 11 strike "four thousand four hundred eighty dollars" and insert "$914";
   (b) in lines 12 and 13 strike "eight thousand nine hundred sixty dollars" and insert "$2,787".
3. On page 2:
   (a) in lines 18 and 19 strike "four thousand four hundred eighty dollars" and insert "$914";

(b) in lines 20 and 21 strike "eight thousand nine hundred sixty dollars" and insert "$2,787".

4. (a) On page 2, in lines 26 and 27 strike "four thousand seven hundred sixty dollars" and insert "$1,062";

(b) On page 3, in lines 1 and 2 strike "nine thousand five hundred twenty dollars" and insert "$3,239".

5. On page 3:

(a) in lines 7 and 8 strike "four thousand four hundred eighty dollars" and insert "$914";

(b) in line 10 strike "eight thousand nine hundred sixty dollars" and insert "$2,787".

6. On page 3:

(a) in lines 16 and 17 strike "four thousand four hundred eighty dollars" and insert "$914";

(b) in lines 18 and 19 strike "eight thousand nine hundred sixty dollars" and insert "$2,787".

7. On page 3:

(a) in lines 24 and 25 strike "five thousand six hundred dollars" and insert "$3,570";

(b) in lines 26 and 27 strike "eleven thousand two hundred dollars" and insert "$10,895".

GENERAL FILE

LEGISLATIVE BILL 603. Considered.

Mr. Cullan renewed his first pending amendment to the Standing Committee amendments found in the Journal on page 1245.

Amendment pending.

VISITORS

Visitors to the Chamber were 60 students and teacher from Centura High School, Boelus-Dannebrog-Cairo; 100 Nebraska High School students and sponsors; Cub Scout Pack 29, Den 2, and leaders from Lincoln; 42 members of the Benson Women's Republican Club, Omaha; 7 students and teacher from Newport Grade School; Senator Cope's brother, Paul Cope, his wife, Eileen, and Jerry Weldon, Josh, and Christine from North Platte; Senator Cope's sister, Betty Ayres from Lincoln; David and Helen McConnell and Marilyn Handley from Australia; and State officers of Knights of Columbus.

RECESS

At 11:58 a.m., on a motion by Mr. Goll, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Marvel, and Wagner who were excused; and Messrs. Burrows, Chambers, Fowler, Hoagland, Newell, Remmers, Schmit, Sieck, Vickers, Mesdames Higgins, Labedz, and Pirsch who were excused and until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 895 in the Journal. No objections. So ordered.

Req. #2878

1. Insert the following new section:

"Sec. 2. That section 79-1333, Revised Statutes Supplement, 1981, be amended to read as follows:

79-1333. (1) Commencing with school year 1980-81 all state financial assistance to districts pursuant to sections 79-1330 to 79-1344 shall be based upon the annual financial reports for the 1978-79 school year of such districts as required by section 79-451 and the fall school district membership report for the 1979-80 school year required by section 79-1333.02. Financial assistance for the 1981-82 school year and each school year thereafter shall be based upon the second preceding school year's annual financial report and the preceding school year's fall school district membership report. The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed (a) for fiscal year 1982-83 in nine as nearly as possible equal monthly payments, beginning in October, 1982, and (b) for fiscal year 1983-84 and all succeeding fiscal years in ten monthly payments with the first payment equal to twenty-five per cent of the district's total entitlement followed by nine as nearly as possible equal monthly payments, beginning in September, ~~1981~~ 1983, and each September thereafter, except that a school district may apply for early payment as provided in subsection (2) of this section. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. The annual financial reports shall be submitted to the State Board of Education by Class I and II school districts on or before the first day of October of each year, and by Class III, IV, V, and VI school districts on or before the first day of November of each year. When any Class I or II school district fails to submit its report by the first day of October any state asisstance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the first day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year. When any Class III, IV, V, or VI school district fails to submit its report by the first day of November any state assistance granted pursuant to sections 79-1330 to 79-1344 shall be based on the amount granted for the previous fiscal year, and shall be reduced by ten per cent of that amount, and when any such district fails to submit its report by the fifteenth day of November, it shall forfeit all assistance pursuant to sections 79-1330 to 79-1344 for that year.

(2) A school district which receives federal funds in excess of twenty-five per cent of its current operations budget may apply for early payment of state financial assistance paid pursuant to sections 79-1330 to 79-1334 when such federal funds are not received in a timely manner. Such application may be made at any time by a school district suffering such financial hardship and may be for any amount up to fifty per cent of the remaining amount to which the district is entitled during the current fiscal year. The State Board of Education may grant the entire amount applied for or any portion of such amount if, after a hearing, the board finds that a financial hardship exists in the district. The board shall notify the Director of Administrative Services of the amount of funds to be paid in lump sum and the new reduced amount of the monthly payments. The Director of Administrative Services shall, within five days after such notification, draw a warrant for the lump sum anount from appropriated funds and forward such warrant to the district. As used in this subsection, financial hardship shall mean a situation in which income to a district is

exceeded by liabilities to such a degree that if early payment is not received it will be necessary for the district to discontinue vital services or functions.".

2. In the Standing Committee amendments on page 826 of the Journal on page 1, line 15, strike "three" and insert "ten" and strike "471" and insert "470"; and on page 2, lines 14 and 15, strike "be less than the computed rate nor more than" and insert "exceed".

3. On page 3, line 7, strike "is" and insert "and section 79-1333, Revised Statutes Supplement, 1981, are".

4. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 603. Mr. Cullan renewed his first pending amendment to the Standing Committee amendments found in the Journal on page 1245 and referred to in this day's Journal.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Cullan requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler
Chronister
Cullan
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Apking
Barrett
Beyer
Burrows
Carsten
Cope
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner

Present and not voting, 2:

Chambers
Clark

Excused and not voting, 4:

DeCamp
Marvel
Pirsch
Wagner

The first Cullan amendment lost with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

The second Cullan amendment to the Standing Committee amendments is as follows:

2. Strike amendments 1 and 3.

Mr. Cullan requested a record vote on his amendment.

Voting in the affirmative, 13:

Beutler
Chambers
Chronister
Cullan
Haberman
Higgins
Hoagland
Kilgarin
Koch
Labedz
Marsh
Vickers
Wiitala

Voting in the negative, 22:

Apking
Beyer
Burrows
Carsten
Clark
Dworak
Fenger
Goll
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Von Minden
Warner

Present and not voting, 10:

Barrett
Cope
Duda
Fowler
Goodrich
Johnson, V.
Landis
Newell
Rumery
Wesely

Excused and not voting, 4:

DeCamp
Marvel
Pirsch
Wagner

The second Cullan amendment lost with 13 ayes, 22 nays, 10 present and not voting, and 4 excused and not voting.

Standing Committee amendments lost with 19 ayes, 11 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Hoagland moved to reconsider the adoption of the committee amendments to LB 603.

Mr. Cullan requested a roll call vote on the Hoagland motion.

Voting in the affirmative, 24:

Beutler
Carsten
Chambers
Chronister
Clark
Cullan
Duda
Dworak
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Barrett
Beyer
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 1:

Burrows

Excused and not voting, 4:

DeCamp
Marvel
Pirsch
Wagner

Absent and not voting, 1:

Vickers

The Hoagland motion to reconsider lost with 24 ayes, 19 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting.

Mr. Hoagland offered the following amendment:
To increase the salary of the Chief Justice 3 3/4% effective Jan. 6, 1983 and add an additional 3 3/4% effective Jan. 1, 1984.

Mr. Hoagland asked unanimous consent to withdraw his amendment. No objections. So ordered.

Mr. Haberman and Miss Kilgarin offered the following amendment:
The salary of the Chief Justice shall be adjusted upwards January 1, 1983 and each of the next two succeeding years to the same percentage

of increase received by State Employees for each of those respective years.

Miss Kilgarin requested a roll call vote on the Haberman-Kilgarin amendment.

Voting in the affirmative, 21:

Beutler
Clark
Cope
Cullan
Duda
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Dworak
Fenger
Goll
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 1:

Chambers

Excused and not voting, 4:

DeCamp
Marvel
Pirsch
Wagner

The Haberman-Kilgarin amendment lost with 21 ayes, 23 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Landis moved to indefinitely postpone LB 603.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 757. Placed on Select File.

LEGISLATIVE BILL 693. Placed on Select File as amended.
E & R amendments to LB 693:

1. On page 4, line 10, insert an underscored period after "subsection"; and in line 12 strike the period and show stricken.

2. In the Carsten amendment, line 3, strike the comma; and in line 6 strike "subsection" and insert "subdivision".

3. In the title, line 7, strike "and" and insert "to delete obsolete matter;" and after "section" insert "; and to declare an emergency".

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

On page 41 of the Appropriation Committee amendment (Request 2729), in line 27, and on page 42 in lines 1, 2, and 3 strike ", operated by mental retardation regional governing boards or to place persons from community waiting lists into community-based services operated by mental retardation regional governing boards".

STANDING COMMITTEE REPORT
Public Health and Welfare

The Public Health and Welfare Committee desires to report favorably upon the appointments or reappointments listed below. The Public Health and Welfare Committee suggests the appointments or reappointments be confirmed by the Legislature and suggests a record vote.

Manufactured Housing Advisory Board
  Von A. Innes
  Tim Lynch
  Joe Rogers
  Robert Rohde
  Rod Tompkins
  Martin Huff

Vote For: Senators Cullan, Barrett, Fenger, and R. Peterson. (4) Against: None. Not Voting: None. Absent: Senators Higgins, Apking, and Wesely. (3).

(Signed) Samuel K. Cullan, Chairperson

EXPLANATION OF VOTE

Had I been present for Final Reading on March 22, 1982 I would have voted aye on LB's 259, 644, 678, 696, 767, 767A, 775, 776, 828, and 845 and nay on LB's 642 and 631.

Had I been present for Final Reading on March 23, 1982 I would have voted aye on LB's 383, 421, 677, and 720, and nay on LB's 208 and 796.

(Signed) Larry D. Stoney

ANNOUNCEMENT

Mr. Lamb announced LB 953 be set for Special Order on Wednesday, March 31, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 966 in the Journal. No objections. So ordered.

Req. #2880

1. Insert the following new section:

"Sec. 34. That section 71-5842, Revised Statutes Supplement, 1980, be amended to read as follows:

71-5842. There is hereby created a Certificate of Need ~~Advisory~~ Review Committee consisting of ~~five~~ seven members to be appointed by the Governor. ~~One member~~ Two members shall be appointed by the Governor from ~~a list submitted by each health systems agency board in Nebraska and two members shall be appointed~~ each congressional district and one member shall be appointed at large by the Governor. ~~Each list submitted by a health systems agency board shall contain the names of at least three individuals who reside within the health systems agency's area, are residents of the State of Nebraska, and are not providers of health care. Such persons may be members of the board of directors or of any standing committee of the health systems agency.~~ At least four members of the review committee shall not be providers of health care. For the purpose of this section, provider of health care shall be defined according to section 1531 of P.L. 93-641, 42 U.S.C., section 300n (3) as amended by P.L. 96-79. One member appointed by the Governor ~~shall~~ may be a physician licensed to practice medicine and surgery pursuant to sections 71-1,102 to 71-1,107, ~~and~~ one member ~~shall~~ may be chief executive of a hospital licensed in Nebraska under sections 71-2017 to 71-2029, and one member may be a nursing home administrator licensed in Nebraska under sections 71-2041.01 to 71-2045.09.”.

2. In the Standing Committee amendment on page 24, line 3, after “71-5837,” insert “71-5842,”.

3. Renumber remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 709 in the Journal. No objections. So ordered.

1. On page 3, strike beginning with “costs” in line 16 through the period in line 20 and insert “difference between a student’s ability to pay the costs of postsecondary education and one thousand dollars. A student’s ability to pay shall be determined by the financial aid office of the student’s chosen institution of higher education. This award shall not exceed one thousand dollars and shall be applied solely towards tuition and fees charged by the student’s chosen institution and the cost of books required for courses at such institution.”.

2. On page 2, line 12, strike “graduation” and insert “course”; in line 13, after “requirements” insert “prerequisite to the conditional diploma program”; and in line 27, strike “graduation” and insert “course” and after “requirements” insert “prerequisite to participation in the conditional diploma program”.

3. On page 3, line 6, strike “good” and insert “full-time”.

UNANIMOUS CONSENT - Add Name

Messrs. Clark and Wesely asked unanimous consent to add their names as co-introducers to the Schmit amendment to LB 760, request 2842. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 29, 1982

Patrick J. O’Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Patrick:

Pursuant to the request of the Legislature, I herewith return LB 208 to the Legislature for further consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:ds

MOTION - Suspend Rules and Reconsider LB 208

Mrs. Labedz moved to suspend Rule 7, Section 7 and reconsider the Final Reading vote on LB 208.

Mr. Burrows asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Koch requested a record vote on the Labedz motion.

Voting in the affirmative, 23:

Barrett
Carsten
Chronister
Cullan
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Rumery
Sieck
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 19:

Apking
Beutler
Beyer
Clark
Cope
Duda
Dworak
Fenger
Haberman
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Vickers
Von Minden

Present and not voting, 2:

Chambers
Johnson, V.

Excused and not voting, 5:

Burrows
DeCamp
Marvel
Pirsch
Wagner

The Labedz motion lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

Messrs. Goll and Wiitala asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 408. Title read. Considered.

Standing Committee amendments, Req. #2695, found in the Journal on page 796 for the Thirtieth Day were considered.

Mr. Cullan requested a ruling of the Chair on whether the Standing Committee amendments are germane to the bill.

The Chair ruled the Standing Committee amendments are germane to the bill.

Amendment pending.

SELECT FILE

LEGISLATIVE BILL 755. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 756. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 933. E & R amendments found in the Journal on page 1377 for the Forty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 408. Considered.

Standing Committee amendments found in the Journal on page 796 and considered in this day's Journal were adopted with 25 ayes, 5 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 875. No objections. So ordered.

Mr. Kremer renewed his pending amendment, Req. #2768, found in the Journal on page 1027.

Mr. Cullan requested a ruling of the Chair on whether the Kremer amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Kremer challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Kremer requested a roll call vote on the ruling of the Chair.

Voting in the affirmative, 15:

Beyer
Chambers
Fowler
Higgins
Johnson, V.
Kahle
Kremer
Labedz
Marsh
Newell
Peterson, H.
Schmit
Sieck
Stoney
Warner

Voting in the negative, 28:

Apking
Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Koch
Lamb
Landis
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Vickers
Von Minden
Wesely

Excused and not voting, 4:

DeCamp
Marvel
Wagner
Wiitala

Absent and not voting, 2:

Hoagland
Kilgarin

The Kremer motion to overrule the Chair lost with 15 ayes, 28 nays, 4 excused and not voting, and 2 absent and not voting.

The Chair was sustained.

COMMUNICATION

March 29, 1982

The Honorable Charles Thone
Governor of the State of Nebraska
Governor's Suite
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Thone:

The Legislature having refused to reconsider the final passage of LB 208, I hereby return same to you for your further consideration.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
Enclosure

Legislative Bill 208 returned to the office of the Governor on March 29, 1982 at 4:21 p.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 602A. By Cullan, 49th District.
This bill introduced on behalf of: LB 602.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 602, Eighty-seventh Legislature, Second Session, 1982.

LEGISLATIVE BILL 953A. By Schmit, 23rd District.
This bill introduced on behalf of: LB 953.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 953, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

UNANIMOUS CONSENT - Withdraw Name

Mr. Schmit asked unanimous consent to withdraw his name as co-introducer of the amendment to LB 760, Req. 2842. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

1. On page 6, after line 8 insert a new paragraph as follows:

"Each person voting under the provisions of sections 1 to 18 of this act shall be required to sign an affidavit swearing he or she is entitled to vote under sections 1 to 18 of this act. Such affidavit shall be a public record and may be in the form of a poll book or any other form prescribed by the Secretary of State.".

2. On page 15, line 7, after the period insert "Such election expenses shall be apportioned whenever possible.".

3. In the Standing Committee amendments on page 2, line 22, after "State" insert "and each county".

Mr. Koch asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(Amendments to Standing Committee amendments, Req. 2729)

1. On page 15, line 1, after the period insert:

"The $34,732,488 General Funds is provided with the understanding that special education aid for the 1982-83 fiscal year will be funded to the extent provided for in law through a supplemental appropriation during the 1983 regular session.".

Messrs. Landis and DeCamp asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

1. In the Standing Committee amendment on page 778 of the Journal strike beginning with "in" in line 1 through the last quotation marks in line 3 and insert "line 9, after 'cigarettes' insert '(1) for one year, commencing on the operative date of this act,'; and in line 15 after 'cigarettes' insert 'and (2) commencing one year after the operative date of this act fifteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of fifteen cents for the first twenty cigarettes and fifteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes', and strike 'The' and insert 'For one year commencing on the operative date of this act the ~~The~~'; and in line 17 strike the first 'the' and insert 'commencing one year after the operative date of this act the proceeds of ten cents of such tax shall be placed in the General Fund. The ~~the~~'".

VISITORS

Visitors to the Chamber were Mr. and Mrs. Conrad Shearer from Kenosha, Wisconsin; Mr. and Mrs. John C. Shearer from Omaha; and Linda Zahl, Stratton American Government teacher, Richard

Stahly and Loren Egle, Stratton school board members, and 13 American Government students.

ADJOURNMENT

At 4:44 p.m., on a motion by Mr. Wiitala, the Legislature adjourned until 9:00 a.m., Tuesday, March 30, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - MARCH 30, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 30, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Wagner who were excused; and Mrs. Higgins who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 256, LR 257, LR 258, LR 259, and LR 260.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 619 in the Journal. No objections. So ordered.

Amendments to the DeCamp Amendment to LB 619
- Request #2807, Page 1235 of the Journal

1. On page 2, strike beginning with "but" in line 20 through line 22 and insert "nor shall they be reimbursed for expenses."

2. Strike section 8.
3. On page 3, in lines 19 and 20, strike "executive director of the Nebraska Foreign Trade Board" and insert "Director of Economic Development or his or her designated representative".
4. Renumber sections 9 to 12 as sections 8 to 11.

MESSAGE FROM THE GOVERNOR

March 29, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 720 and 796, as well as Reengrossed Legislative Bills 383, 421, and 677, were received in my office on March 24, 1982.

These bills were signed by me on March 29, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

ATTORNEY GENERAL'S OPINIONS

Opinion No. 227
March 25, 1982

Dear Senator Chambers:

In your letter of March 19, 1982, you call our attention to the provisions of LB 869 and raise several questions. This legislation would amend Neb.Rev.Stat. §53-180.05 (Reissue 1978) to add a new subsection (3) which if adopted would provide as is pertinent:

> Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of 20 years shall be guilty of . . . For purposes of this subsection, form of identification shall mean any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquors.

You first suggest that by using the words "Any person" this prohibition would apply to anyone no matter how young and ask if we agree with this observation. Assuming it could be found that the young person was capable of forming the requisite criminal intent, we believe that your observation would be accurate.

You also ask whether or not this section, as written, would create a crime regardless of whether or not there was actual delivery or sale of this form of identification. We would be of the opinion that a violation of this section would occur at the time any person manufactured, created or altered any form of identification and that the elements of the crime would exist in the absence of actual sale or delivery of the document if its creation, alteration or manufacture was done for the purpose of selling or delivering such document to a minor. We note in passing that it would apparently be illegal for any person to manufacture or create any form of identification the purpose of which was to be used in conjunction with the purchase of alcoholic liquors regardless of whether or not the information contained on that document was accurate. In other words a violation of this section would not depend upon the document created containing false information.

You also ask our opinion as to whether or not this language is unconstitutionally vague or too broad. Generally speaking, a statute with forbids the doing of an act in terms so vague that men of common intelligence must necessarily guess as to its meaning and differ as to its application is violative of the constitutional due process guarantees. State v. Huffman, 202 Neb. 434, 275 N.W.2d 838 (1979).

Criminal statutes are not however required to be written so as to be beyond the mere possibility of more than one construction, State v. Robinson, 202 Neb. 210, 274 N.W.2d 553 (1979), nor are they invalid simply because the prohibition could have been drafted with greater precision. State v. Briner, 198 Neb. 766, 255 N.W.2d 422 (1977). The prohibition to be upheld must be reasonably clear and definite. State v. Huffman, supra.

While it occurs to us that this prohibition could have been more carefully drafted, we do not believe that its prohibitions would be violative of due process standards as being too broad or too vague.

In raising this particular question, you suggest in passing, that other types of false identifications may be legal even if used. With this observation we disagree and draw your attention to the provisions of Neb.Rev.Stat. §53-180.01 (Reissue 1978), which makes it illegal for a minor to obtain or attempt to obtain alcoholic liquor by a misrepresentation of age, or by any other method and we suggest therefore that the actual use of a false identification, while not rendered illegal by the provisions of LB 869, are nevertheless illegal.

You also raise certain questions about the breadth of the language contained within LB 869 which provides, "For the purposes of this subsection, form of identification shall mean any card, paper, or legal document that may be used to establish the age of the person named thereon for the purpose of purchasing alcoholic liquors." You suggest in your inquiry that the legality or illegality of the document would be left to the person to whom it is presented during the process of purchasing alcoholic liquors. While this section may prohibit the manufacture, creation or alteration of a wider range of documents than perhaps is necessary to eliminate the use by minors of false identifications, we do not believe that it is constitutionally overbroad.

Here again we note in passing that this section would render illegal, the manufacture or creation of any form of identification regardless of its accuracy, if the purpose of the manufacture or creation of this document was for the sale or delivery to a minor and if this document could be used to substantiate the age of an individual, such substantiation being necessary to the purchase of alcoholic liquors.

This amendment would appear to render illegal the manufacture or creation of any identification document reflecting age for the purpose of selling or delivering such a document to a minor even though the purchasing minor might not intend to utilize this identifying document until they had reached their majority. Here again we find no constitutional impediment to the Legislature's creating such a broad prohibition, however we question in passing whether its authors intended such broad application.

In conclusion, while we question the necessity of proscribing such a wide range of conduct, we leave that decision to the best judgment of the Legislature and are of the opinion that if this provision is enacted, it most likely would be upheld as being constitutional.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjs
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 228
March 26, 1982

Dear Senator Wesely:

You have asked a number of questions regarding Legislative Bill 611, as presently amended, generally as to the liability of the counties and State under reduced standards of maintenance for county roads.

First, as to whether a county could, without incurring liability, remove a bridge and fail to make appropriate roadbed alteration or barricade the gap, we are of the opinion that if a county keeps a road open, it must keep it reasonably safe for travelers. The Nebraska Supreme Court, in the case of Christensen v. City of Tekamah, 201 Neb. 344, 268 N.W.2d 93 (1978), has summarized pertinent law on the matter. First, it noted that, "Section 23-411 R.R.S. 1943, expressly states that all prior case law which evolved from former section 39-834, R.R.S. 1943, shall be applicable in deciding cases governed by section 23-2410, R.R.S. 1943". Second, it stated, "This court has held that a county is not an insurer of the safety of travelers on its roads, but must use reasonable and ordinary care in the construction, maintenance, and repair of its highways and bridges so that they will be reasonably safe for a traveler using them while he is in the exercise of reasonable and ordinary caution and prudence." Third, it noted that "The public authority is not liable for a failure to remedy trivial irregularities, slight depressions, or other minor inequalities in the surface of the highway. . . .", but, "Holes, ruts, or depressions in the street or sidewalk may give rise to a right of action for injuries caused thereby if they are of such a nature that danger might reasonably be anticipated." Therefore, it is concluded that it would be unsafe to rely on the protection of administrative minimum standards which are below the court standards enumerated above.

Second, on the question of a county escaping liability on the basis of compliance with State promulgated minimum maintenance standards, what has been said in answer to your first question is considered equally applicable. It appears that it was indeed the intent of renumbered Sec. 6 of the bill to allow escape from liability, but it is not considered to have repealed Neb.Rev.Stat. §23-2411, (Reissue 1977), which still, as previously pointed out, imposes the standard of reasonable and ordinary care.

Third, as to possible State liability for setting standards allowing dangerous conditions, it is considered that there would be no such liability under the provisions of Neb.Rev.Stat. §81-8,219 of the State Tort Claims Act, which states in pertinent part:

> (1) The provisions of this Act shall not apply to: (a) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a State agency or an employee of the State, whether or not the discretion be abused; . . .

Fourth, you ask whether Neb.Rev.Stat. §39-2113 (Supp. 1980) allows counties to gain permission to maintain a little used stretch of road to lesser standards. Said statute does state, in pertinent part:

> Any county or municipality which believes that the application of such standards to any segment of highway, road, or street would work a special hardship, or other interested party which believes that application of such standards to any segment of highway, road, or street would defeat the purpose of the scenic-recreation functional classification contained in this Act, may request the board to relax the standards for such segment.

Thus, the answer to your question is "yes".

Fifth, you ask the measure of the county's liability if lesser standards are permitted under Section 39-2113. Assuming that you still mean liability to the public for damages occasioned by insufficient maintenance or repair of a road, you are again referred to the answer to question one, which sets a standard of reasonable and ordinary care. This, of course, always raises questions of fact, which can only be finally determined by a court.

Sixth, you ask: "If the county were free from liability on compliance with the lesser standards, would the State be vulnerable to a lawsuit for damages on the basis that the standards should not have been relaxed?" It is believed that the answer would be a combination of the answers to your first and third questions, i.e., the county would still be liable under the "reasonable and ordinary care" doctrine, and the State would not be liable under Neb.Rev.Stat. §81-8,219(1) (a) (Reissue 1976).

Seventh, you ask whether renumbered Sec. 8 of the bill would allow administrative rules and regulations promulgated pursuant to Chapter 39, Section 21, to supersede other statutory provisions appearing elsewhere, such as requiring posting of weight limits on bridges. Assuming such regulations would be within the parameters of the authorizing statute, the result would really be a conflict of statutes. If L.B. 611 is truly an independent act, it would be regarded as having repealed such contrary statutes by implication. Drew v. Mumford, 114 Neb. 100, 206 N.W. 159 (1925). However, it is at least questionable that it can be so regarded. Basically, the bill is an amendatory act with only a portion therein being set up as an independent act, and the effect of this portion is amendatory. Under such circumstances, it is considered that the Nebraska Supreme Court well could consider the Act void under its prior holdings in the cases of State v. Bauman, 126 Neb. 566, 254 N.W. 256 (1934), State v. Day, 129 Neb. 699, 262 N.W. 850 (1935), and C. B. & Q. R.R. Co. v. County of Box Butte, 166 Neb. 603, 90 N.W.2d 72 (1958), all being interpretations of Art. III, Sec. 14 of the Constitution of the State of Nebraska.

But such discussion ignores the more immediate conflict created by the substantive amendment to Section 23-2411 (renumbered Sec. 1 of the Act) by inserting "and section 6 of this Act" in lines 22 and 23 of page 3. As so amended, the court would quite seemingly have the choice of basing liability on the first two sentences (prior law and judicial interpretations) or the third sentence (minimum standards set pursuant to section 39-2113). Given such options, it is our considered opinion that the court would choose the first and thus the present standard of "reasonable and ordinary care" would be perpetuated.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Randall E. Sims
Assistant Attorney General

RES/ta
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 229
March 26, 1982

Re: Request for Opinion on LB 726

Dear Senator Haberman:

We are responding to your request on an opinion whether Subsection 6 of Section 4 of LB 726 stating that a petition requesting groundwater controls must be signed by 75 percent of the persons residing in each township if such persons own 75 percent of the property in each township is constitutional.

Your initial inquiry concerns the choice of the specific language of this section. To us it is not clear that the intent of the section is to require that 75 percent of the property in the township be owned by 75 percent of the persons residing in that township, or whether or 75 percent of the property in that township be owned by the persons who signed the petition constituting 75 percent of the residents in the township. There is a difference upon the result depending upon this interpretation.

While the statutory language suggested is not so unintelligible and meaningless as to render it impossible of execution, Taylor v. Karrer, 196 Neb. 581, 244 N.W.2d 201 (1976), it is a general rule that a statute must be reasonably clear and definite to be valid. Neeman v. Nebraska

Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974). Some clarification of the language would avoid the confusion suggested above.

Our second point of inquiry concerns due process and equal protection arguments. Article III, section 2 of the Nebraska Constitution provides:

> The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amenbdments adopted by the people independently of the Legislature.

The people are reserved the power to enact statutes and constitutional amendments. There is, however, no reservation of the power by the people within the Constitution to enact a local law. Under the Legislature's police power, certain people of townships within the designated districts are granted the power to adopt stricter water controls. The question is whether these qualifications impinge upon the equal protection and due process rights of the people within the township.

A Nebraska case, Nebraska Mid-State Reclamation District v. Hall County, 152 Neb. 410, 41 N.W.2d 397 (1950), supports the conclusion that the disqualified persons are not denied equal protection or due process of law. In holding that the Reclamation Act did not violate the constitutional guarantee of due process and equal protection because the act did not expressly confer a right on the owners of realty in a city to join in a petition for a creation of the water district, the Supreme Court stated:

> The Legislature had the power to create a water conservancy district by its own fiat. It need not have given any individual or group the right to petition for the creation of a district. It was within its discretion to determine what qualifications, if any, a petitioner for the creation of a district must have. . . .

41 N.W.2d at 412.

It should be kept in mind that non-freholders are not being denied the right to vote in violation of the "one man, one vote" doctrine. See, Reynolds v. Sims, 377 U.S. 533. However, using cases wherein the Supreme Court has questioned the validity of a provision making the right to vote dependent upon ownership of real property as an analogy, we can reinforce the conclusion that those persons denied qualification to sign the petition are not denied their equal protection or due process rights.

This conclusion is reached by a determination of whether the qualifications to sign the petition are rationally based. Using the criteria suggested in Ball v. James, __ U.S. __, 68 L.Ed.2d 150 (1981), the interest which the Legislature seeks to promote outweighs the interest of those excluded from signing the petition. Specifically, the district is not vested with typical governmental powers. The primary purpose of the district is the management, protection and conservation of groundwater. It provides no other general services such as schools, housing, transportation, utilities, or anything else of the type ordinarily financed by a municipal body. The district does not exercise what might be thought of as "normal governmental" authority. The district's actions do disproportionally affect landowners. Therefore, there appears to be a rational basis for the Legislature to impose an ownership of real property clause within this grant of power.

In conclusion, with the suggested language clarification, subsection 6 of Section 4 of LB 726 does not appear to be unconstitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 230
March 26, 1982

Dear Senator DeCamp:

You have submitted to us a proposed amendment to the Carsten amendment of LB 816, and asked our opinion as to its constitutional validity. LB 816 provides for distribution of state aid which would begin after July 1, 1982. Your amendment would provide that such distributions should be made until the Supreme Court has ruled on the constitutionality of Neb.Rev.Stat. §§77-3611 to 77-3615 (Supp. 1981). If the court rules those sections unconstitutional, the distributions would continue as provided under the provisions of LB 816. If it rules the sections constitutional, the payments would be made pursuant to those sections.

While this is a very unusual provision, and, in the limited time we have had to work on it we have found no exact precedent, we can see no reason, in theory, why a provision of this type could not be sustained. We believe that making the application of a statute contingent upon a future ascertainable event is proper and is not unprecedented. The ruling of the Supreme Court on the validity of §§77-3611 to 77-3615 is such an event.

In Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935), the court held that a statute contingent upon a future act of Congress amounted to an unconstitutional delegation to Congress of the Legislature's legislative powers. We do not believe that case is applicable, because the action of the Supreme Court will not be a discretionary, legislative, action, but a nondiscretionary, judicial, action. We believe that there is a controlling difference between making the application of a statute contingent upon discretionary action of another body and making it contingent on the happening of some event or nondiscretionary action.

We must point out, however, that several areas need to be clarified in your amendment. That amendment would eliminate the repeal of §§77-3611 to 77-3615. These sections now provide for the distribution of $70 million in state aid starting in December, 1982. LB 816, on the other hand, provides for the distribution of $82,600,000 to different entities than those provided for in §§77-3611 to 77-3615, beginning in July, 1982. Your amendment does not make it clear that no payments are to be made under §§77-3611 to 77-3615 until such time as these sections are held to be constitutional, although we are sure that is your intention. Considerable confusion could arise if the court has not ruled by December, 1982, if §§77-3611 to 77-3615 remain in the statutes, providing for certain distributions, and at the same time other distributions are being made pursuant to LB 816. This should be clarified. We must also point out the difficulties that would arise if §§77-3611 to 77-3615 are upheld after distributions have been made as provided in LB 816. Under §§77-3611 to 77-3615, apparently all taxing subdivisions would be entitled to some money. That is not true with respect to LB 816, which, as we understand it, gives money only to schools, technical community colleges, incorporated municipalities, and counties. We have not analyzed all of the ramifications of a distribution of a substantial protion of the $82,600,000 before the switch to §§77-3611 to 77-3615, but some questions would arise.

For example, in that contingency, should a total of $70 million be distributed, as contemplated by §77-3612, or $82,600,000, as contemplated by LB 816? Should subdivisions which had received money under LB 816 be charged with those payments, in order that all would receive the same treatment for the full year, as contemplated by §§77-3611 to 77-3615, or should they simply retain what they got under LB 816, and the balance of what was left of the $82,600,000 (or $70 million) be divided as contemplated by §§77-3611 to 77-3615? This latter solution would, of course, result in those subdivisions omitted under LB 816 getting proportionately much less than they would if §§77-3611 to 77-3615 were applied for the full year.

Also, what should be the operative date of a ruling of the Supreme Court that §§77-3611 to 77-3615 are constitutional, which will trigger the switch in distribution? Is it the date of the issuance of the original opinion, the overruling of a possible motion for rehearing, or the issuance of the mandate? We assume that it would not be the date of the entry of the order of the district court on the mandate, since your amendment speaks of a ruling of the Supreme Court, but there are three dates which could be applicable under the language of the amendment, which could make a considerable difference in the distribution of the fund.

There are, no doubt, other areas of uncertainty which should be cleared up. Someone should sit down and analyze very carefully all of the ramifications of this amendment, so that all questions as to just how it will work will be answered in the bill. Otherwise, the court may hold the bill void as being unconstitutionally vague and uncertain. See State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980).

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
f6/m1
cc: Patrick O'Donnell
Clerk of the Legislature

MOTION - Return LB 604A to Select File

Mr. Warner moved to return LB 604A to Select File for his specific amendment found in the Journal on page 1304.

The motion to return prevailed with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 604A. The Warner specific amendment found in the Journal on page 1304 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 807 to Select File

Mr. Landis moved to return LB 807 to Select File for the following specific amendment:

(Final Reading Copy)

1. On page 16, line 6, after "adoption" insert "or after notice is first published pursuant to subsection (4) of this section"; and in line 27 after "days" insert "after the first publication of such notice".

2. On page 17, line 10, after "days" insert "after the first publication of such notice"; in line 12 after the period insert "The notice required by subdivision (4) (b) of this section shall be published in at least one newspaper of general circulation within the municipal subdivision and shall be published not later than ten days after adoption of a measure approving the project."; and after line 12 insert: "The right of a municipal subdivision to give notice and obtain exemption for any particular project in a manner described in this subsection is optional and no municipal subdivision shall be required to give such notice for any particular project.".

The motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 807. The Landis specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 428 to Select File

Mr. V. Johnson moved to return LB 428 to Select File for the following specific amendment:

Strike "may" in line 17, page 2, Final Reading (Third) and insert "shall".

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return lost with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

On the committee amendments, page 3, line 8, the new section 15 of the bill, strike "1985", show as stricken and insert "1984".

RESOLUTIONS

LEGISLATIVE RESOLUTION 272.

Introduced by Haberman, 44th District; Koch, 12th District.

WHEREAS, E. Lee Todd has been the superintendent of Perkins County High School at Grant for thirty-six years; and

WHEREAS, Superintendent Todd's term as superintendent of Perkins County High School is the longest of any school superintendent still practicing; and

WHEREAS, Superintendent Todd has been a scholar, administrator, and Olympic-caliber athelete; and

WHEREAS, Superintendent Todd served as a member of the Board of Control of the Nebraska State Activities Association for fifteen years and was chairman for three years; and

WHEREAS, Superintendent Todd has been an active member of the Nebraska Council of School Administrator's since its inception thirteen years ago; and

WHEREAS, Superintendent Todd is retiring at the end of the current school year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors and acknowledges Superintendent E. Lee Todd for his thirty-six years of dedicated service to Perkins County High School and the State of Nebraska and for his personal accomplishments.
2. That a copy of this resolution be delivered to E. Lee Todd.

Laid over.

LEGISLATIVE RESOLUTION 273.

Introduced by Hoagland, 6th District.

PURPOSE:

The purpose of this resolution is to study whether the passage of legislation reducing or eliminating limitations on interest rates, authorizing out-of-state banks to create special purpose banks in the state, and providing tax breaks to such special purpose banks will encourage out-of-state banks to move to Nebraska and help stimulate the state's economy as it has in Delaware and South Dakota.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon conclusion of its study make a report to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274.

Introduced by DeCamp, 40th District.

WHEREAS, Jewel J. Piper has recently completed thirty-two years of work in the field of education; and

WHEREAS, Jewel J. Piper has been affiliated with the Northeast Technical Community College in Norfolk, Nebraska in numerous capacities from 1958 through 1982; and

WHEREAS, Jewel J. Piper was Dean of Women at said college from 1963 to 1967 and division chairman of Applied and Vocational Arts from 1968 to 1973 and Cluster manager of Business and Management Cluster at said college from 1973 to 1982; and

WHEREAS, Jewel J. Piper has consistently provided the citizens of the State of Nebraska, particularly in the educational field, with dedicated service, and has dedicated her professional life to the betterment of secondary education in Northeast Nebraska.

WHEREAS, Jewel J. Piper is retiring May 15, 1982 after completing thirty-two years of work in the field of education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature honors and acknowledges Jewel J. Piper for her thirty-two years of dedicated service to the Northeast Technical Community College area and the State of Nebraska.

2. That a copy of this resolution be delivered to Jewel J. Piper.

Laid over.

LEGISLATIVE RESOLUTION 275.

Introduced by Beutler, 28th District.

WHEREAS, the ongoing State Water Planning and Review Process has completed three of its major studies and several more such studies will be completed before the convening of the 1983 Legislative Session; and

WHEREAS, these studies include recommendations concerning water policy and management which can have a major impact on the private citizens and public entities of this state; and

WHEREAS, many of the recommendations call for active local participation in water management through the vehicle of the Natural Resource District; and

WHEREAS, many of the recommendations also call for legislative action, either to enable the NRD's or some other governmental entity to carry out the policy determinations or to affirmatively state such policy determinations; and

WHEREAS, other water issues not specifically addressed by available State Water Planning and Review Process documents may require immediate legislative attention; and

WHEREAS, a number of legislative proposals enacted by or pending before the 1982 Unicameral could significantly affect the availability, quality, use, and distribution of this state's water resources; and

WHEREAS, the Legislature is in need of factual data regarding the need for and impact of such legislation on the citizens and public entities of this state;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature, as the committee having subject-matter jurisdiction over water issues in the Legislature, be designated to conduct an interim study to perform the following tasks:

a. Evaluate all State Water Planning and Review Process studies which are currently completed or which will be completed before the convening of the 1983 Legislative Session, and hold public hearings on those which have not yet been heard before the Legislature.

b. Formulate legislation to address the issues discussed in such reports, and secure public comment on such proposed legislation.

c. Determine whether other water issues not addressed by available State Water Planning and Review Process reports require immediate legislative attention, and develop proposed legislation accordingly.

d. Ascertain the most critical water concerns of the state, and determine the most practicable steps to be taken to mitigate or avoid any adverse effects indicated by such conditions.

e. Conduct an inventory of currently available groundwater, surface water, irrigation, land use and conservation data, the availability of such data to NRD's, the extent to which such data is used by NRD's, and the specific areas in which more information or increased availability of information is needed to maximize the efficacy of the NRD's.

f. Determine the most significant water concerns in each NRD and the specific management techniques, if any, currently in use or proposed for implementation by such NRD's.

g. Determine the needs of the various NRD's in the following areas:

- groundwater quality
- groundwater depletion
- subirrigation depletion
- streamflow depletion
- instream flow considerations
- surfacewater retention
- transbasin diversion proposals
- potential conjunctive management of ground and surface waters
- management of existing control areas
- potential declaration of new control areas
- potential declaration of management areas
- prediction of future groundwater and surface water needs
- prediction of future groundwater and surface water problems
- financing of NRD activities
- management by NRD's of various state cost-sharing programs

h. Determine what methods of financing water projects are available and practicable on the state and local levels and the proper management and distribution systems attaching thereto, and formulate legislation addressing those considerations.

2. That pursuant to the information-gathering functions outlined above, the Public Works Committee hold one-day public hearings in at least one-third of the NRD's during the 1982 interim, with emphasis on those NRD's experiencing special water problems and which have enacted or are considering enacting control or management areas, to allow the NRD directors and board members and the citizens of such NRD's to comment on the issues outlined above.

3. That the committee shall upon the conclusion of its study make a report of its findings together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 428.

A BILL FOR AN ACT to amend sections 30-2619, 30-2620, 30-2624, 30-2625, 30-2627, 30-2628, 30-2630, and 30-2633, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Probate Code; to change procedures for court appointment of a guardian of an incapacitated person; to provide procedures for use of visitors; to provide duties; to limit protective orders as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 4:

Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 2:

Burrows
Kilgarin

Excused and not voting, 2:

Marvel
Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 571 to Select File

Mr. Schmit moved to return LB 571 to Select File for the following specific amendment:

(Final Reading Second)

1. On page 2, line 6, after "any" insert "approved"; in line 7 after "any" insert "approved"; and after line 21 insert a new paragraph as follows:

"For purposes of this section approved foreign corporation or alien shall mean any corporation incorporated in, or alien a citizen of, any foreign country which allows corporations incorporated in the United States rights similar to those granted under this section.".

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to return lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 571.

A BILL FOR AN ACT to amend section 76-404, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to allow foreign corporations and aliens to acquire certain leases; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 30:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden
Warner

Voting in the negative, 12:

Beutler
Burrows
Cullan
Fowler
Goll
Kilgarin
Koch
Newell
Schmit
Stoney
Vickers
Wesely

Present and not voting, 3:

Chambers
Kremer
Labedz

Excused and not voting, 4:

Apking
Marvel
Wagner
Wiitala

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ANNOUNCEMENT

President Luedtke announced today is Senator Wesely's birthday.

MOTION - Return LB 626 to Select File

Mr. V. Johnson moved to return LB 626 to Select File for his specific amendment, Req. #2857, found in the Journal on page 1327.

The motion to return lost with 8 ayes, 27 nays, 12 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 626.

A BILL FOR AN ACT to amend sections 8-157 and 8-903, Reissue Revised Statutes of Nebraska, 1943, relating to banking; to remove a restriction on the location of auxiliary teller offices; to redesignate such offices; to authorize the making of loans from such offices; to authorize certain acquisitions by bank holding companies as prescribed; to permit a bank to assume the assets and liabilities of a cooperative credit association as prescribed; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Beutler
Burrows
Chambers
Cullan
DeCamp
Fenger
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Pirsch
Schmit
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Dworak
Goll
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Von Minden

Excused and not voting, 2:

Marvel
Wagner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Add Name

Mr. Beutler asked unanimous consent to have his name added as co-introducer to the Labedz amendment to LB 531 found in the Journal on page 1375. No objections. So ordered.

MOTION - Return LB 531 to Select File

Mrs. Labedz moved to return LB 531 to Select File for the Labedz-Beutler specific amendment found in the Journal on page 1375.

The motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 531. The Labedz-Beutler specific amendment found in the Journal on page 1375 was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 531 to Select File

Mr. Warner moved to return LB 531 to Select File for the following specific amendment:

Add a new section: to provide for biennial sessions of the Legislature to meet in odd number years with no limit on the number of Legislative days for such regular sessions.

Mr. Beutler requested a ruling of the Chair on whether the Warner amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Koch raised a point of order on whether the Warner amendment incorporates two subject matters into one bill.

The Chair overruled the point of order.

Messrs. Schmit and Rumery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Warner motion to return lost with 15 ayes, 24 nays, 6 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2884.)

RESOLUTION

LEGISLATIVE RESOLUTION 276.

Introduced by Koch, 12th District; Haberman, 44th District; DeCamp, 40th District.

A Resolution to propose an amendment to Article III, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, of the constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall ~~not exceed~~ be at least ninety legislative days in odd-numbered years ~~unless extended by a vote of four fifths of all members elected to the Legislature,~~ and shall ~~not exceed~~ be at least sixty legislative days in even-numbered years. ~~unless extended by a vote of four fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide a minimum number of legislative days the Legislature is to meet.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Executive Board.

MR. CLARK PRESIDING

UNANIMOUS CONSENT - Member Excused

Messrs. Fowler and Stoney asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 928. Title read. Considered.

Standing Committee amendments, Req. #2744, printed separate from the Journal and referred to on page 1441 for the Fiftieth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were 45 adults from Council of Catholic Women; Senator Schmit's mother, Loretta Schmit and brother, Harry Schmit; John, Mary Kay, Mary Lou, and Allison Peck from Columbus; 44 Senior Citizens from Omaha; 28 eighth grade students and teacher from Humphrey; 39 students and teacher from Horace Mann School, Omaha; 25 seniors and teacher from Crete; 28 students and teacher from Lincoln Christian School, Lincoln; 90 students and teachers from Miller Park School, Omaha; and 90 students and teachers from Crete.

RECESS

At 11:54 a.m., on a motion by Mr. Duda, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Wagner who were excused; and Messrs. Burrows, Fowler, Goodrich, Haberman, Hoagland, Lamb, Remmers, Rumery, Schmit, Warner, Miss Kilgarin, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 408. Considered.

Mr. Kremer offered the following amendment:

1. In the Committee Amendments on page 6, after line 14 insert a new subsection to read as follows:

“(7) Special permits shall be furnished by the Department of Motor Vehicles and issued by the county treasurer for truck-tractor and semitrailer combinations of farmers or ranchers used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market. The special permits shall be valid for a period of one year and the registration fee shall be at the following rates: For a gross weight (a) of less than fifteen tons, twenty-two dollars, (b) of fifteen tons through twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons, and (c) exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Such truck-tractor and semitrailer combinations weighing fifteen tons or more shall not be used in exchange of services. The permit shall contain the gross vehicle weight, the effective and expiration date of the permit, and the words NOT FOR HIRE.”.

2. Insert a new section as follows:

“Sec. 2. (1) The registration fee on combinations of vehicles registered as a farm truck shall be, (a) for one ton or less factory rated carrying capacity, eighteen dollars, and (b) more than one ton but less than fifteen tons, twenty-two dollars. The registration fee for combinations of farm vehicles weighting fifteen tons or more gross vehicle weight shall be at the following rates: Fifteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons; and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Combinations of farm vehicles weighting fifteen tons or more shall not be used in exchange of services.

(2) Any person using a combination of farm vehicles in violation of the uses authorized by subsection (7) of section 39-6,181, or section 2 of this act shall be guilty of a Class IV misdemeanor and shall be required to register such vehicles as commercial vehicles for the entire year in which the violation occurred.”, and in line 15 strike “2” and insert “3”.

Mr. Beutler requested a division of the question on the Kremer amendment.

The Chair sustained the division of the question.

The first Kremer amendment is as follows:

1. In the Committee Amendments on page 6, after line 14 insert a new subsection to read as follows:

“(7) Special permits shall be furnished by the Department of Motor Vehicles and issued by the county treasurer for truck-tractor and semitrailer combinations of farmers or ranchers used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market. The special permits shall be valid for a period of one year and the registration fee shall be at the following rates: For a gross weight (a) of less than fifteen tons, twenty-two dollars, (b) of fifteen tons through twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons, and (c) exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Such truck-tractor and semitrailer combinations weighing fifteen tons or more shall not be used in exchange of services. The permit shall contain the gross vehicle weight, the effective and expiration date of the permit, and the words NOT FOR HIRE.”.

Mr. Beutler requested a ruling of the Chair on whether the Kremer amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Cullan challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Cullan moved for a Call of the House. The motion prevailed with 9 ayes, 3 nays, and 37 not voting.

Mr. Cullan requested a roll call vote on challenging the Chair.

Voting in the affirmative, 14:

Beutler
Burrows
Cullan
Dworak
Goll
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Pirsch
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Beyer
Carsten
Chambers
Clark
Cope
DeCamp
Duda
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Nichol
Peterson, H.
Peterson, R.
Remmers
Sieck
Stoney
Vickers
Von Minden

Present and not voting, 2:

Chronister
Fenger

Excused and not voting, 11:

Fowler
Goodrich
Higgins
Labedz
Lamb
Marsh
Marvel
Rumery
Schmit
Wagner
Warner

The Cullan motion to overrule the Chair lost with 14 ayes, 22 nays, 2 present and not voting, and 11 excused and not voting.

The Chair was sustained.

The Chair declared the Call raised.

Mr. Beutler offered the following amendment to the first Kremer amendment:

By adding the words "or industrialists" after the word "ranchers" in line 5

By adding the words "industrial equipment" after the word "equipment" in line 7

By adding the words "or place of business" at the end of line 7

The amendment lost with 4 ayes, 19 nays, 21 present and not voting, and 5 excused and not voting.

Mr. Cullan offered the folowing amendment to the first Kremer amendment:

By striking the committee amendments adopted, and insert Kremer amendments.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The Cullan amendment lost with 12 ayes, 22 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The first Kremer amendment was adopted with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

The second Kremer amendment is as follows:

2. Insert a new section as follows:

"Sec. 2. (1) The registration fee on combinations of vehicles registered as a farm truck shall be, (a) for one ton or less factory rated carrying capacity, eighteen dollars, and (b) more than one ton but less than fifteen tons, twenty-two dollars. The registration fee for combinations of farm vehicles weighting fifteen tons or more gross vehicle weight shall be at the following rates: Fifteen tons up to and including twenty tons, forty dollars plus five dollars for each ton of gross weight over fifteen tons; and for gross weight exceeding twenty tons, sixty-five dollars plus ten dollars for each ton of gross weight over twenty tons. Combinations of farm vehicles weighting fifteen tons or more shall not be used in exchange of services.

(2) Any person using a combination of farm vehicles in violation of the uses authorized by subsection (7) of section 39-6,181, or section 2 of this act shall be guilty of a Class IV misdemeanor and shall be required to register such vehicles as commercial vehicles for the entire year in which the violation occurred.", and in line 15 strike "2" and insert "3".

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

EASE

The Legislature was at ease from 2:56 p.m. until 2:58 p.m.

GENERAL FILE

LEGISLATIVE BILL 408. The second Kremer amendment was considered.

The Chair ruled the amendment is not germane to the bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 755, 756, and 933.

(Signed) Karen Kilgarin, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments, Req. 2729)

1. On page 72, after line 5 insert “General Fund 180,000”; in line 7 strike “600,000” and insert “780,000”; in line 9 after “aid” insert “to postsecondary students”; in line 13 strike “and” and after the second “Colleges” insert “, and Postsecondary Education Coordinating Commission”; in line 15 after “amounts” insert “for eligible students attending the following postsecondary institutions”; and after line 18 insert “(d) Other postsecondary institutions 180,000”.

2. On page 73, line 2, strike “137,161” and insert “317,161”; and in line 5 strike “757,661” and insert “937,661”.

Mr. Chambers asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(1)

Amendment to Standing Committee Amendments
Adopted on LB 761

PURPOSE: To earmark $26,000,000 of the Department of Roads appropriation to be used to commence construction of the Omaha North Freeway.

AMENDMENT:

On page 53, in line 27, strike the period and insert the following new language ", and $26,000,000 to commence construction of the Omaha North Freeway."

Mr. Chambers asked unanimous consent to print the following amendment to LB 761 in the Journal No objections. So ordered.

(2)

Amendment to Standing Committee Amendments
Adopted on LB 761

PURPOSE: To provide for a $26,000,000 appropriation to the Department of Roads to be used to commence construction of the Omaha North Freeway.

AMENDMENT:

On page 53, in line 7, strike "173,224,488" and insert "199,224,488"; in line 8, strike "173,224,488" and insert "199,224,488"; in line 21, strike "113,902,858" and insert "139,902,858"; in line 27, strike the period and insert the following new language ", and $26,000,000 to commence construction of the Omaha North Freeway."

On page 54, in line 4, strike "232,660,667" and insert "258,660,667"; in line 6, strike "235,035,614" and insert "261,035,614".

RESOLUTIONS

LEGISLATIVE RESOLUTION 277.

Introduced by DeCamp, 40th District; Koch, 12th District.

WHEREAS, the controversy concerning whether the State of Nebraska and its subdivisions of government have the right and authority to levy personal property taxes on business equipment located on the Offutt Air Force Base has gone on for a considerable number of years without being resolved beneficially for the State of Nebraska; and

WHEREAS, the tax exempt status enjoyed by private businesses on their business equipment located on the Offutt Air Force Base has resulted in a direct revenue loss to certain subdivisions of state government, particularly the school districts located in Sarpy County, as well as the City of Bellevue and Sarpy County itself; and

WHEREAS, the State of Nebraska has found it necessary, in a variety of ways, to attempt to make up for this loss of revenue for the school districts through various state aid formulas which in turn, has resulted in a burden on all taxpayers of this State; and

WHEREAS, the responsibility of educating the large number of children incidental to the operation of the Offutt Air Force Base has therefore fallen upon the property taxpayers of Sarpy County in an excessive and unfair manner; and

WHEREAS, on March 24, 1982 the Supreme Court of the United States in the case of United States v. State of New Mexico indicates clearly that the alleged tax immunity being used by private business to avoid personal property taxation for property located on the Offutt Air Force Base might well be an improper and unfounded immunity and therefore, such immunity is probably void, and

WHEREAS, President Eisenhower, because of his concern with the gross inequities of these alleged tax exemption enjoyed by private businessmen simply because their property was located on federal property, appointed a special committee to study such problems and correct the problems; and

WHEREAS, the federal study of the Eisenhower Administration indicated that the federal government should no longer attempt to accept this measure of jurisdiction and cause the injustice resulting from this alleged immunity; and

WHEREAS, Nebraska was one of the very few entities in the United States that sought, for whatever reasons, to perpetuate the situation in which private businesses would be allowed to locate their business equipment on property of the United States and therefore, avoid personal property taxes with the consequential loss of revenue to the State or subdivisions of state government; and

WHEREAS, past attempts to pressure Nebraska public officials at the Congressional level and federal officials in command of Offutt Air Force Base to correct this alleged immunity and allow the State of Nebraska to collect taxes properly due to its political subdivisions have been fruitless.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That in light of the March 24, 1982 U.S. Supreme Court decision of United States v. State of New Mexico the State Attorney General and the State Tax Commissioner immediately take the necessary steps to implement and enforce personal property tax laws upon those

persons, corporations or associations to and upon whom the tax would properly apply who have business equipment located on the Offutt Air Force Base;

2.That should any further action be necessary, the Legislature requests that this State's Congressional Delegation and Governor take whatever action is necessary and proper at the federal level to cause the implementation of the State's personal property tax laws for private businesses located on Offutt Air Force Base precisely as such taxes are administered in the rest of the elected states;

3. That the Legislature appoint members of the Executive Board of the Nebraska Legislature and Senators John DeCamp, Emil Beyer, and George Fenger to make certain that the directives contained in this Resolution are carried out and the taxes collected and credited to the proper entities of State government.

Laid over.

LEGISLATIVE RESOLUTION 278.

Introduced by Sieck, 24th District; Landis, 46th District; Vickers, 38th District.

WHEREAS, Nebraska's prairie is a major element of the state's heritage and has played an important role in our history and culture; and

WHEREAS, Nebraska prairie has and will remain a major source of economic prosperity for the state; and

WHEREAS, preservation of this state's native prairie is the preservation of limited resource of scientific, cultural and economic value; and

WHEREAS, understanding of the prairie as a natural resource will enhance Nebraska's appreciation for grasslands.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of September 19 through the 25 of 1982 be proclaimed as Nebraska Prairie Appreciation Week.

2. The Nebraska Legislature calls upon all citizens of Nebraska to reflect on and appreciate the richness and beauty that the prairie has provided our state.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 231
March 30, 1982

Dear Senator Vickers:

You have submitted to us a proposed formula for state aid to political subdivisions under LB 816, and have asked our opinion as to its constitutionality. You have given us only the bare bones of the formula, but we see nothing constitutionally suspect about the basic idea.

The formula, as you have given it to us, is in six steps, which it is not necessary to repeat in full herein. Basically it would be a weighted per capita distribution of the fund to the counties, with the per capita distribution to each to be in direct proportion to its per capita property tax level. In other words, the higher a county's per capita property tax collections are, the greater its per capita share of the fund will be.

Our court has frequently held that it will not question the judgment of the Legislature, if a rational basis exists for the legislation. See State ex rel. Douglas v. Gradwohl, 194 Neb. 745, 235 N.W.2d 854 (1975). The basis purpose of all of the attempts to distribute state aid to the state's political subdivisions has been to shift some of the cost of local government from property taxes to the state, which, of course, raises most of its funds from sales and income taxes.

The manner of attaining this goal must be rational, as the court held in State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). We believe that a straight per capita distribution would pass constitutional muster as having a rational basis, even though many might criticize it as not being the most fair method.

The formula you have submitted to us is an attempt to improve on a straight per capita distribution, by giving proportionately higher state aid to those counties which have higher per capita property taxes. Obviously, what is the most fair and logical method of distributing state aid is the subject of varying opinions, but if the method selected has a rational basis and appears to further some legitimate purpose, the state will not substitute its opinion for that of the Legislature. We believe that giving the most per capita state aid to those counties which have the highest per capita tax collections is not irrational, and would be upheld.

Your letter indicates that this formula would be used for distribution of the entire 82.6 million dollars proposed to be distributed by LB 816. We assume that your proposal would contain some formula for distributing the money to taxing subdivisions within the county, and would not go entirely to the county itself. Obviously, the method of distributing the county's share of the 82.6 million dollars would also have to be rationally based. We do not, of course, know what your proposal is in this regard.

Very truly yours
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
m4
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Cullan asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

Section 1. That section 77-2602, Revised Statues Supplement 1981, be amended to read as follows:

77-2602. Cigarette tax; rate; disposition of proceeds; priority. Every person, engaged in distributing or selling cigarettes at wholesale in this state, shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On all cigarettes fourteen cents per package containing not more than twenty cigarettes, and on packages containing more than twenty cigarettes a tax of fourteen cents for the first twenty cigarettes and fourteen cents for each twenty cigarettes or fractional part thereof in excess of twenty cigarettes. The proceeds of nine cents of such tax shall be placed in the General Fund and the proceeds of the remaining five cents of such tax shall be distributed in the following order:

First, in each fiscal year beginning with the fiscal year commencing July 1, 1972, there shall be first transferred to the University of Nebraska at Lincoln Field House Fund, which is hereby created, the sum of two million four hundred thousand dollars, and the money in such fund shall be used to make the annual payments on the lease of the field house building constructed pursuant to the provisions of section 85-1,100. There is hereby appropriated two million four hundred thousand dollars from the Nebraska Capital Construction Fund for the fiscal year ending June 30, 1977, for the purposes stated in this subdivision;

Second, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated;

Third, any unexpended balances existing on June 30, 1976, in the State Office Building at Omaha Fund are hereby reappropriated for the development of a program statement. Programs. No. 991 of the University of Nebraska and No. 904 of the Department of Administrative Services are hereby merged into a single program within the Department of Administrative Services;

Fourth, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1986, are hereby reappropriated.

Fifth, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund. There shall be placed in such fund one million thirty thousand one hundred dollars for fiscal year 1979-80; ~~and~~

Sixth, beginning July 1, 1983, the equivalent of one cent of such tax shall be used to fund and carry out the provisions of Sections 81-637 to 81-640; and

~~Sixth,~~ Seventh, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

GENERAL FILE

LEGISLATIVE BILL 408. Considered.

Mr. Wesely moved to indefinitely postpone LB 408.

MR. LAMB PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Mr. Wesely moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Wesely requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Beutler
Cope
Cullan
Dworak
Fowler
Johnson, V.
Kilgarin
Newell
Pirsch
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 30:

Barrett
Beyer
Carsten
Chambers
Chronister
Clark
DeCamp
Duda
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Vickers
Von Minden
Warner

Present and not voting, 4:

Apking
Burrows
Fenger
Rumery

Excused and not voting, 2:

Marvel
Wagner

The Wesely motion to indefinitely postpone lost with 13 ayes, 30 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kremer asked unanimous consent to withdraw his pending amendment found in the Journal on page 1201. No objections. So ordered.

Mr. Chambers renewed his pending amendment found in the Journal on page 1193.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 571. No objections. So ordered.

Mr. DeCamp moved to suspend the rules, Rule 6, Sec. 3 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 408.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Cullan requested a roll call vote on the DeCamp motion.

Voting in the affirmative, 27:

Barrett
Beyer
Carsten
Chronister
Clark
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Warner

Voting in the negative, 17:

Beutler
Cope
Cullan
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Landis
Newell
Nichol
Pirsch
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 2:

Burrows Chambers

Excused and not voting, 3:

Apking Marvel Wagner

The DeCamp motion lost with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 966 in the Journal. No objections. So ordered.

(Amendments to White Copy Request #2808)

1. Strike section 8.
2. Renumber remaining sections accordingly.
3. Strike E & R amendment 2.

Messrs. Koch and Nichol asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

Appropriation Committee Amendments to LB 761 (Req 2729)

1. On page 111, lines 6, 7 and 9 strike "19,253,489" and insert "19,824,266".

Rational:

(1) Provides for continuation funding with an increase of 935,108 or 5% in aid.

(2) Provides for increase in aid by the amount of decreased aid proposed in the Revenue Committee amendments to LB 816 (+187,000).

Mr. Kahle asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

Req. #2900

1. Insert a new section as follows:

"Sec. 14. That section 71-5009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5009. The six mental health regional governing boards shall offer comprehensive community mental health, drug abuse, and alcoholism programs, services, and facilities. The boards shall provide funds for such community-based projects. Federal funding, state funds, private sources, ~~third party~~ third-party payments, and fees collected may be used as sources of necessary funds. ~~The state shall provide seventy-five per cent of the funds required to provide the services for each region, exclusive of federal funding, private sources, third-party payments, and fees collected under the provisions of sections 71-5001 to 71-5014. Local, county and other tax generated sources shall account for twenty-five per cent of the funds.~~ Each regional governing board shall provide one dollar for every three dollars provided by the state General Fund. Of the amount provided by each regional governing board, not less than forty per cent shall be provided by local and county taxes and the remainder shall come from other nonfederal sources, except that no county shall reduce the amount of funds it provides pursuant to this section to an amount lower than the amount it provided during the fiscal year ending on June 30, 1982. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the provisions of sections 71-5001 to 71-5014.".

2. In E and R amendment 2, line 3, strike "14" and insert "15" and strike "15 to 19" and insert "16 to 20".

3. Strike E and R amendment 6.

4. On page 32, line 16, after "43-626," insert "and 71-5009,".

5. In E and R amendment 7, lines 3 and 4 strike "and insert 'and'".

6. In the title, line 12, after the semicolon insert "to change provisions relating to funding of mental health regional boards;"; and in line 16, after the last comma insert "and 71-5009".

RESOLUTION

LEGISLATIVE RESOLUTION 279.

Introduced by Wesely, 26th District.

WHEREAS, water resource development and its funding is an important issue being considered by the Nebraska Legislature; and

WHEREAS, $11 million has been appropriated by the Legislature to the State Resources Development Fund which has funded 26 projects over the past 8 years, 15 of which have been completed; and

WHEREAS, the Nebraska Legislature has appropriated $3.5 million to the Water Conservation Fund which has funded 1394 individual conservation efforts since its first year of funding in 1978-79; and

WHEREAS, the federal government proposes to expend at least $368 million to construct the Norden Dam in Nebraska; and

WHEREAS, the Reagan Administration has proposed new federalism, a policy that will allow states to administer many programs presently administered by the federal government; and

WHEREAS, the Nebraska Legislature has supported local control especially for water resources management and development; and

WHEREAS, the $368 million in federal funds could be used to meet the water resources development needs of the entire state and to fund a number of beneficial projects in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature request the federal government to provide the $368 million designated for the O'Neill Unit/Norden Dam project to the State of Nebraska.
2. That the Legislature prepare an analysis of proposed water development projects in Nebraska and allocate the $368 million to the most cost effective and beneficial water development projects across the state. Beneficiaries would then repay the funds provided, thus creating a revolving fund that the State of Nebraska can use in perpetuity for water development projects in the state.
3. That the Legislature shall reserve the right of final approval for all projects receiving funds under this resolution.
4. That the Legislature act to see that its decision is implemented through whatever measures are appropriate at the state and federal level.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 966 in the Journal. No objections. So ordered.

Req. #2905

1. Strike original section 56.
2. In the Standing Committee amendments, strike amendment 18; on page 23, line 26, strike beginning with “54-820.01” through the fourth comma; on page 24, line 3, strike “81-2,162.23,” and in line 5 strike “2-3930,”, after “81-502,” insert “and”, and strike “and 81-1429,”; and insert the following new sections:

“Sec. 34. The provisions of this act shall become operative on July 1, 1982, except that (1) sections 1, 6, 8, 23, and 36 shall become operative on January 1, 1983, (2) sections 9 and 37 shall become operative on October 1, 1982, and (3) sections 7, 10, and 38 shall become operative on August 1, 1982.

Sec. 36. That original section 54-820.01, Reissue Revised Statutes of Nebraska, 1943, section 81-2,162.23, Revised Statutes Supplement, 1980, and section 2-3930, Revised Statutes Supplement, 1981, are repealed.

Sec. 37. That original section 54-1704, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 38. That original sections 54-1165 and 54-2002, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 39. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

3. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 2. The Governor, when preparing the budget provided for in section 81-125, and the Legislature, when preparing its proposed budget, shall include a reserve requirement, calculated pursuant to subsection (1) of section 77-2715.01, of not less than three per cent of the appropriations included in such budget.".

2. Renumber remaining sections accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

1. On page 2, line 10, after the first "year" insert ", except that for the period June 1 through November 30, 1982, the rate of the sales tax shall be three and one half per cent".

Mr. Warner asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

Req. #2882

1. Insert new sections to read:

"Sec. 85. In order to promote sound fiscal management and facilitate the orderly expenditure of appropriations, and notwithstanding any other provision of law, the State Treasurer is authorized to make interfund transfers of fund balances among the various fund accounts of the state invested by the state investment officer in the short term investment pool.

Such transfers shall be made upon certification by the Director of Administrative Services that the current cash balance in a specific fund is inadequate to meet current obligations. Such certification shall include the specific fund accounts and the dollar amount to be transferred. The interfund transfer shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available. The authority granted by this section shall terminate on July 1, 1983.

Sec. 86. (1) If the fund balance of any fund account is transferred for more than thirty days, the State Treasurer shall notify the state investment officer of the dates in excess of thirty days, the amount of funds transferred, and the name of the fund account. After the transfer has been reversed the state investment officer shall notify the State Treasurer of the amount of interest that would have been earned on the balance transferred to the General Fund for those dates in excess of thirty days. The State Treasurer shall transfer from the General Fund to the respective fund account, from which the interfund transfer was made, an amount equal to the interest earnings certified by the state investment officer.

(2) The State Treasurer shall provide written notification to the Legislative Fiscal Analyst when any interfund transfer is made or when an interfund transfer is reversed.".

2. Renumber original sections 85 to 87 as 87 to 89 respectively.

3. On page 117, line 25, strike "This" and insert "Sections 85 and 86 of this act shall become operative on their effective date. The other sections of this".

GENERAL FILE

LEGISLATIVE BILL 408. Mr. Cullan offered the following amendment:

Strike the Kremer amendment to LB 408.

Mr. Cullan requested a record vote on his amendment.

Voting in the affirmative, 9:

Beutler
Cullan
Dworak
Goodrich
Kilgarin
Newell
Nichol
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Carsten
DeCamp
Duda
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Warner

Present and not voting, 15:

Burrows
Chambers
Chronister
Clark
Cope
Fenger
Fowler
Goll
Hoagland
Johnson, V.
Koch
Pirsch
Sieck
Stoney
Vickers

Excused and not voting, 2:

Marvel
Wagner

The Cullan amendment lost with 9 ayes, 23 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendments:
After the word 'establish' on the third line 2 add the phrase "on the Interstate highways of this state".

Mr. Beutler moved for a Call of the House. The motion prevailed with 9 ayes, 5 nays, and 35 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Apking
Beutler
Burrows
Carsten
Cope
Cullan
Duda
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Nichol
Pirsch
Rumery
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 17:

Beyer
DeCamp
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Marsh
Peterson, H.
Peterson, R.
Remmers
Schmit
Von Minden
Warner

Present and not voting, 5:

Barrett
Chronister
Fenger
Goll
Sieck

Excused and not voting, 2:

Marvel
Wagner

Absent and not voting, 2:

Chambers
Clark

The Beutler amendment lost with 23 ayes, 17 nays, 5 present and not voting, 2 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Beutler offered the following amendment:

Amend LB 408 by adding the following language after the word 'highways' in line 15 (third line 15) in the Standing Committee amendments:

"provided, however, that no presently applicable weight and axle requirements shall be waived."

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 10 nays, and 26 not voting.

The Beutler amendment was adopted with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment:

Amend LB 408 by adding the following language after the word "Nebraska" on the third line 8 in the Standing Committee amendments:

"provided, however, that no more than a total of 30 vehicles or combinations of vehicles or objects shall be authorized and operating under all such testing programs at any one point in time.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 14:

Beutler
Burrows
Cope
Cullan
Dworak
Fowler
Hoagland
Kilgarin
Newell
Nichol
Pirsch
Stoney
Wesely
Wiitala

Voting in the negative, 24:

Apking
Barrett
Beyer
Clark
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Warner

Present and not voting, 8:

Chambers
Chronister
DeCamp
Goodrich
Johnson, V.
Lamb
Sieck
Vickers

Excused and not voting, 3:

Carsten
Marvel
Wagner

The Beutler amendment lost with 14 ayes, 24 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beyer
Chambers
Chronister
Clark
DeCamp
Duda
Fenger
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Peterson, H.
Peterson, R.
Remmers
Schmit
Vickers
Von Minden
Warner

Voting in the negative, 17:

Barrett
Beutler
Cope
Cullan
Dworak
Fowler
Goll
Goodrich
Johnson, V.
Kilgarin
Newell
Nichol
Pirsch
Rumery
Stoney
Wesely
Wiitala

Present and not voting, 3:

Apking
Burrows
Sieck

Excused and not voting, 3:

Carsten
Marvel
Wagner

Advanced to E & R for Review with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

Wednesday, April 7, 1982 12:30 p.m.
State Labor Contracts

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(1)

On page 100, in line 19, strike "204,484" and insert "102,242"; in line 20, strike "204,484" and insert "102,242"; in line 22, strike "142,716" and insert "102,242".

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(2)

On page 65, in line 13, strike "188,096" and insert "94,048"; in line 15, strike "190,596" and insert "96,548"; in line 17, strike "130,079" and insert "96,548".

Mr. R. Peterson asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(3)

On page 101, in line 1, strike "220,796" and insert "110,398", in line 4, strike "290,435" and insert "180,037"; in line 6, strike "180,717" and insert "180,037"; in line 20, strike "479,785" and insert "369,387" in line 23, strike "881,981" and insert "771,583".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 675 in the Journal. No objections. So ordered.

1. Insert the following new section:

"Sec. 3. That section 54-161, Revised Statutes Supplement, 1981, be amended to read as follows:

54-161. Any person who operates a drylot cattle feeding operation within the confines of permanently-fenced lots and within the Nebraska brand inspection area may make application to the chief brand inspector of the Nebraska Brand Committee for registration as a feedlot. A prescribed form shall be made available by the chief brand inspector for this purpose upon written request. After the committee has received a properly completed application, an agent of the committee shall within thirty days make an investigation to determine that the following requirements are satisfied:

(1) The operator's feedlot must be a permanently-fenced drylot; and

(2) The operator must commonly practice feeding cattle to finish for slaughter.

If the application is satisfactory, and upon payment of a registration fee by the applicant, the committee shall issue a registration number for the feedlot valid for one year unless rescinded for cause. If the registration number is recinded for cause, any registration fee shall be forfeited by the applicant. The fees for registered feedlots shall be not less than one hundred dollars nor more than six hundred fifty dollars for each such registered lot having one thousand head or less capacity and an equal amount for each additional one thousand head capacity, or part thereof, of such registered feedlot, except that this fee shall not exceed twelve thousand dollars per year for any individual feedlot operation. The committee shall set the fee per one thousand head capacity, so as to correspond with the inspection fee assessed under section 54-147. The registration fee shall be paid on an annual basis and the permit shall be renewed by the applicant on an annual basis. All money collected from such registration fees shall be deposited and expended in the manner provided in section 54-147.".

2. On page 16, line 12, strike "and" and insert a comma and after "54-115," insert "and 54-161,".

3. Renumber remaining sections accordingly.

Mr. Newell asked unanimous consent to print the following amendment to LB 743 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2871.)

Mr. Fenger asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments - Req. 2852)

1. Strike section 15 and renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 280.

Introduced by Beyer, 3rd District.

WHEREAS, Nebraska since 1962 has provided for the selection of certain classes of judges according to a merit system rather than through the election process; and

WHEREAS, for the past 10 years all classifications of the Nebraska Judiciary have been integrated into the merit plan selection of judges; and

WHEREAS, a sufficient period of time has elapsed to allow for an evaluation of Nebraska's present method for the selection of judges:

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Committee of the Legislature be designated to conduct an interim study to evaluate Nebraska's present method for selecting judges.
2. That the Committee make a report of its findings, together with its recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mr. Stoney asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 611. Title read. Considered.

Mr. Kahle renewed his pending amendment found in the Journal on page 1264.

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 787 in the Journal. No objections. So ordered.

1. Strike original section 16.
2. On page 27, line 19, strike "43-286,".
3. In the title, line 5, strike "43-286,".
4. Renumber remaining sections accordingly.

Mr. Fenger asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(Amendments to Standing Committee Amendments Req. 2729)
Req. #2913

Purpose: To eliminate salary increases for state employees during fiscal year 1982-83 other than for promotions, merit increases, salary grade adjustments, and reclassification and to direct that the salary policy for fiscal year 1983 be reviewed as part of the deficiency appropriations bill in January of 1983.

1. Amend section 93 to read:

"Sec. 93. (1) It is the intent of the Legislature that the salary policy for fiscal year 1982-83 be reviewed by the Appropriations Committee as part of the deliberations on deficiency appropriations. It is further the intent of the Legislature that consideration be given to increasing state employee salaries as part of the deficiency appropriation taking into consideration the general economic conditions existing in the state at the time and the status of the revenue available to State Government.

(2) For the period July 1, 1982, to June 30, 1983, salary increases may be granted for promotions, merit, salary grade adjustments, or reclassifications only if such salary adjustments do not increase expenditures for permanent and temporary salaries and per diems above the limitations enumerated in this act. Any requests for adjustments to the 1982-83 limitation on permanent and temporary salaries and per diems shall be submitted on or before January 1, 1983, to the Legislative Fiscal Analyst who shall present such requests to the Appropriations Committee. Such requests shall include copies of the written documentation provided by the Department of Personnel for approval of classification changes and salary grade adjustments.".

VISITORS

Visitors to the Chamber were 22 eighth grade students and teacher from Kenesaw; and 13 students and teacher from Norris High School.

ADJOURNMENT

At 4:55 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, March 31, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - MARCH 31, 1982

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - MARCH 31, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 31, 1982

Pursuant to adjournment, the Legislature met at 9:05 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Beyer, Chambers, Cullan, Goodrich, Warner, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 428, 571, and 626.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 573.

A BILL FOR AN ACT to amend section 75-609, Reissue Revised Statutes of Nebraska, 1943, and section 75-610, Revised Statutes Supplement, 1980, relating to the Public Service Commission; to limit rate regulation of small telephone companies as prescribed; to provide a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Kilgarin
Landis

Present and not voting, 1:

Burrows

Excused and not voting, 6:

Beyer
Chambers
Cullan
Goodrich
Marvel
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 633.

A BILL FOR AN ACT to amend sections 75-126 and 75-128, Reissue Revised Statutes of Nebraska, 1943, relating to telephone companies; to change provisions relating to rates and services as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner

Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Beutler
Kilgarin
Landis

Present and not voting, 2:

Burrows
Pirsch

Excused and not voting, 4:

Beyer
Cullan
Goodrich
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 668.

A BILL FOR AN ACT to adopt the Nebraska Right to Farm Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Apking
Barrett
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Chambers
Hoagland
Johnson, V.
Peterson, H.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Beyer
Cullan
Goodrich
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739.

A BILL FOR AN ACT to amend section 70-624, Reissue Revised Statutes of Nebraska, 1943, relating to public power districts; to change a provision relating to compensation as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Beyer
Cullan
Goodrich
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 751.

A BILL FOR AN ACT to amend sections 45-190 and 59-1617, Revised Statutes Supplement, 1981, relating to loan brokers; to redefine a term; to provide that loan brokers are subject to Chapter 59, article 16; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 4:

Beyer
Cullan
Goodrich
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 766.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 3, of the Constitution of Nebraska, relating to the sale of real estate for nonpayment of taxes or special assessments; to limit the right of redemption to a period of six months for real estate located in incorporated cities and villages; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska.

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The right of redemption from all sales of real estate, for the nonpayment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than (1) six months, if such real estate is located, in whole or in part, within the legal boundaries of an incorporated city, village, or sanitary and improvement district, or (2) two years, if such real estate is not located, in whole or in part, within the legal boundaries of an incorporated city, village, or sanitary and improvement district, or if the real estate is the residence of the owner of such real estate from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to limit the right of redemption of real estate sold for nonpayment of taxes or special assessments to a period of six months when such real estate is located within an incorporated city, village, or in a sanitary and improvement district, except that such limitation shall not apply to real estate that is the residence of the owner of such real estate.
>
> For
> Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, "'Shall the bill pass?'"

Voting in the affirmative, 32:

Apking
Burrows
Carsten
Chronister
Cope
Duda
Dworak
Fenger
Fowler
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Warner
Wiitala

Voting in the negative, 12:

Barrett
Beutler
Chambers
Clark
DeCamp
Haberman
Johnson, V.
Stoney
Vickers
Von Minden
Wagner
Wesely

Present and not voting, 2:

Goodrich
Schmit

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

LEGISLATIVE BILL 790. With Emergency.

A BILL FOR AN ACT to amend section 81-520.01, Revised Statutes Supplement, 1980, relating to the State Fire Marshal; to provide an open burning ban as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Burrows
Dworak
Kremer
Lamb
Remmers
Schmit
Sieck

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT to adopt the Nebraska Development Finance Fund Act.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 28:

Apking
Burrows
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Chronister
Clark
Cope
Goll
Kahle
Lamb
Pirsch
Schmit
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 852. With Emergency.

A BILL FOR AN ACT to adopt the Joint Public Power Authority Act; to provide for severability; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.

Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Dworak

Present and not voting, 1:

Johnson, V.

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 869 to Select File

Mr. Chambers moved to return LB 869 to Select File for the following specific amendment:
Strike enacting clause.

Mr. Chambers requested a record vote.

Voting in the affirmative, 12:

Chambers
Dworak
Fowler
Haberman
Hoagland
Johnson, V.
Landis
Marsh
Sieck
Vickers
Wagner
Wesely

Voting in the negative, 24:

Apking
Carsten
Chronister
Clark
Cope
Duda
Goodrich
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Warner

Present and not voting, 10:

Barrett
Beutler
Burrows
DeCamp
Fenger
Goll
Higgins
Lamb
Schmit
Wiitala

Excused and not voting, 3:

Beyer
Cullan
Marvel

The Chambers motion to return lost with 12 ayes, 24 nays, 10 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 869.

A BILL FOR AN ACT to amend section 53-180.05, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to prohibit the manufacturing, creation, or alteration of forms of identification as prescribed; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Apking
Barrett
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Vickers
Von Minden
Warner
Wiitala

Voting in the negative, 11:

Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Landis
Marsh
Schmit
Sieck
Wagner

Present and not voting, 2:

Beutler
Wesely

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 875. With Emergency.

A BILL FOR AN ACT to amend sections 16-674 and 17-559, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to change provisions relating to eminent domain; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 892. With Emergency.

A BILL FOR AN ACT to amend section 79-805, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to change provisions relating to meetings as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Beyer
Cullan
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 952.

A BILL FOR AN ACT to amend section 23-343.99, Revised Statutes Supplement, 1980, relating to hospital authorities; to change provisions relating to the issuance of bonds as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Newell requested a roll call vote.

Voting in the affirmative, 24:

Burrows
Chronister
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Von Minden
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Clark
Cope
Dworak
Hoagland
Johnson, V.
Kilgarin
Lamb
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely

Present and not voting, 4:

Apking
Kahle
Kremer
Peterson, R.

Excused and not voting, 3:

Beyer
Cullan
Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 520A. By V. Johnson, 8th District.
This bill introduced on behalf of: LB 520.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Eighty-seventh Legislature, First Session, 1981.

MOTHERS OF THE YEAR

Mrs. Marsh, Mr. Barrett, and Mr. Nichol escorted the Mother of the Year, Mrs. Virginia Sitorius of Cozad, Nebraska, the Young Mother of the Year, Mrs. Chris Moranville of Scottsbluff, Nebraska, and State President of Nebraska Mothers Association of American Mothers, Inc., Mrs. Margaret Hasebroock to the rostrum.

Mrs. Sitorius and Mrs. Moranville spoke to the members briefly.

UNANIMOUS CONSENT - Member Excused

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 602A. Title read. Considered.

Mr. Cullan moved for a Call of the House. The motion prevailed with 12 ayes, 7 nays, and 30 not voting.

Mr. Cullan requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler
Burrows
Carsten
Cullan
DeCamp
Duda
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 12:

Apking
Beyer
Chronister
Cope
Dworak
Hefner
Johnson, L.
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden

Present and not voting, 9:

Barrett
Chambers
Clark
Fenger
Goodrich
Goll
Haberman
Kahle
Nichol

Excused and not voting, 2:

Fowler
Marvel

Advanced to E & R for Review with 26 ayes, 12 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 232
March 26, 1982

Dear Senator Wesely:

You have requested the opinion of this office regarding an amendment to LB 970 which relates to salary limitations for political subdivisions and vendors of services reimbursed by the Department of Public Welfare. You have posed several specific inquiries set forth below regarding the effect of the amendment if it is adopted.

> 1. Would the employees of the Lincoln Electric System be considered employees of the City of Lincoln for purposes of this amendment?

For our consideration, you have provided a copy of that portion of the Lincoln Municipal Code which relates to the Lincoln electric system, i.e., sections 2.55.010 through 2.55.100. Pursuant to said sections, the Lincoln city council has created the Lincoln electric system administrative board and has delegated to it, inter alia, the authority to fix the salaries and other employment benefits of all officers or employees of the Lincoln electric system. Sections 2.55.010 and 2.55.070(a), Lincoln Municipal Code; Neb.Rev.Stat. §15-309 (Reissue 1977). The budget of the Lincoln electric system is submitted by the administrative board to the city council for approval, subject to the veto power of the mayor. Section 2.55.010, Lincoln Municipal Code.

Section 3 of the amendment to LB 970 at issue provides in pertinent part:

> [T]he governing body of a city under home rule charter shall file with the Auditor of Public Accounts on or before September 1, 1982, a certified copy describing the general salary policy established by such governing body for its employees for such political subdivision's fiscal year 1982-83.

The authority over salary policies for employees of the Lincoln electric system resides with the city council, notwithstanding the fact that the council has chosen to delegate some of its authority to an administrative board. Thus in our opinion, the better response to your inquiry is that employees of Lincoln electric system are considered employees of the City of Lincoln for the purposes of this amendment, as partially quoted above.

> 2. If LES employees are considered city employees, would the restrictions on wage increases apply for fiscal year 1982, even though the fiscal year for LES began January 1, 1982?

As set forth in the above quoted portion of the amendment to LB970, the statement to be filed describes the salary policy for the political subdivision's fiscal year 1982-83. It is our understanding that the fiscal year for the City of Lincoln, the political subdivision in this instance, runs from September 1 to August 31. Lincoln Municipal Charter, Article IX, section 1. Thus, in our opinion, the statement of general salary policy to be filed by September 1, 1982, for all employees of the City of Lincoln, including employees of the Lincoln electric system, would encompass the period of time from September 1, 1982, to August 31, 1983.

> 3. Does this amendment limit all employees of a political subdivision from receiving a salary increase in excess of the state policy or is it satisfactory if the political subdivision's total salary increase is within the general salary policy provided for state government employees?

The amendment at issue requires a political subdivision, in order to receive appropriations from the General Fund, to file a statement describing a general salary policy for its employees which does not exceed the general salary policy established for state employees. Additionally, section 6 of the amendment provides in pertinent part as follows:

> If the auditor discovers that the stated policy is not being followed and that the employees of such political subdivision are receiving salaries which result in an actual salary policy which exceeds the general salary policy provided for state government employees . . . , he or she shall inform the Director of Administrative Services.

(Emphasis added.)

It is well established rule of statutory construction that effect must be given if possible to all of its several parts and no sentence, clause or word should be rejected as meaningless or superfluous. State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980).

It is our interpretation of the above quoted language, giving effect to the emphasized portion thereof, that a subdivision would be in compliance with the provisions of the amendment unless the total salary increases actually granted its employees exceeded the general salary policy established for state employees.

> 4. If the Court of Industrial Relations orders a salary increase for the employees of a political subdivision in an amount which exceeds the general salary policy for state government employees, is this deemed to be the salary policy of the political subdivision which would preclude the political subdivision from being entitled to payments from the General Fund?

Pursuant to Neb.Rev.Stat. §48-815 (Supp. 1980), the Commission of Industrial Relations (C.I.R.) is authorized to establish or alter the scale of wages for employees of the state or any of its political or governmental subdivisions. In making such a determination, the operative criteria which must be considered by the Commission is comparability to prevalent wage rates paid for similar work by workers exhibiting similar skills under similar conditions. Local private employment situations can and should be considered by the C.I.R. to determine the prevalent wage, if the criteria of §48-818 is met. AFSCME local No. 2088 v. County of Douglas, 208 Neb. 511, 304 N.W.2d 368 (1981). Orders of the Commission are binding on the parties and are deemed to have the same force and effect as like orders entered by the district court. Neb.Rev.Stat. §48-891 (Supp. 1980).

Your inquiry discloses the existence of a potential conflict between the provisions of §48-818 and the amendment at issue. Based solely on the language of the amendment, an argument can be made that if a political subdivision fails, for any reason, to follow its stated salary policy and pays its employees wages resulting in an actual salary policy which exceeds the general salary policy for state employees, the political subdivision is in noncompliance and subject to a forfeiture of monies from the General Fund. We can only speculate regarding whether or not a court would reject this argument and refuse to penalize a political subdivision which was acting solely pursuant to a lawfully entered order of the C.I.R. At this state, it appears to us that this potential conflict can best be resolved by legislation.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 233
March 26, 1982

Dear Senator Warner:

You have requested the opinion of this office regarding the constitutionality of sections 3, 4, 5, and 6 of the amendment to LB 970, as contained in the Legislative Journal, pages 1178-1179, which relate to salary limitations for political subdivisions based on the salary policy established for state employees. In our opinion, the sole constitutional question raised by this legislation involves whether it complies with Article III, Section 14 of the Nebraska Constitution, which provides in pertinent part: "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

The Nebraska Supreme Court has held that: "Where a bill has but one general object, no matter how comprehensive that object may be, and contains no matters not germane thereto, and the title clearly expresses the subject of the bill, it does not violate Article III, section 14 of the Constitution." Peterson v. Hancock, 155 Neb. 801, 807, 54 N.W.2d 85 (1952).

LB 970 involves the general subject of health insurance for state employees. The title of LB 970 provides: ''FOR AN ACT to amend sections 44-1620 and 44-1620.01, Revised Statutes Supplement, 1981, relating to insurance for state employees; to increase the state contribution for health insurance; to provide an option for some retirees; to provide an operative date; to repeal the original sections; and to declare an emergency.''

It is well established that the constitutional provision at issue must be liberally construed. Our court has stated:

> ''. . . [T]his constitutional provision should be . . . construed, as to admit of the insertion in a legislative act of all provisions which, though not specifically expressed in the title, are comprehended within the objects and purposes of the act as expressed in its title; and to admit all provisions which are germane, and not foreign, to the purposes of the act as expressed in its title.''

Peterson, supra, at 807-808, quoting from Affholder v. State, 51 Neb. 91, 70 N.W. 544 (1897).

Notwithstanding the liberal construction afforded these provisions of Article III, Section 14, in our opinion, the amendment to LB 970 probably runs afoul of that constitutional requirement. In our opinion, the subject of salary limitations for employees of political subdivisions is unrelated and not germane to the object and purpose of LB 970 expressed in its title, i.e., insurance for state employees.

In recognition of the above described problem, you indicated in your correspondence that the amendment at issue would probably be offered to other legislation dealing with related subjects. In the event this is accomplished in a manner which complies with Article III, Section 14 of the Nebraska Constitution, in our opinion, the provisions of the amendment at issue would probably withstand constitutional challenge.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Lynne Fritz
Assistant Attorney General

LF:jmf
f6
cc: Patrick O'Donnell
Clerk of the Legislature

Opinion No. 234
March 30, 1982

Dear Senator V. Johnson:

This is in response to your letter of March 23, 1982, concerning LB 522A, a bill to appropriate the money necessary to fund LB 522 which, if passed and enacted into law, transfers to the Nebraska Department of Public Welfare all county welfare functions and fiscal responsibilities, effective July 1, 1983. You specifically asked for an opinion as to how many votes are necessary for the passage of 522A. Further, you asked for advice as to the efficacy of an appropriation bill that speaks to a fiscal year one year beyond the ensuing fiscal year.

LB 522A is to appropriate money necessary to fund LB 522, effective July 1, 1983. Article III, Section 22 of the Constitution of Nebraska was amended in 1972 to provide that each Legislature shall make appropriations for the expenses of government and when necessary make further appropriations for deficiencies. Prior to then, Article III, Section 22 stated that the Legislature shall make appropriations for the expenses of government until the expiration of the first fiscal quarter after adjournment of the next regular session. A review of LB 139, Laws of Nebraska, 82nd Legislature, First Session, 1971, which amended Article III, Section 22 shows that the purpose of the amendment was to eliminate the requirement of appropriating into the first quarter of the next session. This amendment was a logical response to the 1970 amendment of Article III, Section 6 which provided for annual sessions of the Legislature. By convening each January in the approximate middle of the fiscal year the Legislature would be in a position to make appropriations for the expenses of government and appropriations for deficiencies. Therefore, it is our opinion that LB 522A would be non-binding and thus premature.

Obviously the reason that none of the budget bills submitted by the Governor to the 1982 Legislature appropriate dollars for the 1983-84 fiscal year is an intent to conform with Article III, Section 22 cited above. The Governor has submitted a budget for a period of appropriation which would be binding on the Legislature. He has not submitted a budget for fiscal 1983-84 which follows the effective date of LB 522.

In Mekota v. State Board of Equalization and Assessment, 146 Neb. 370 the Supreme Court of Nebraska held that a bill containing an appropriation not included in the Governor's budget could be enacted without a three-fifths vote. The Court referred to Article IV, Section 7 which states: "No appropriations shall be made in excess of the recommendation contained in the budget * * *," and noted that the plural "appropriations" is used. The Court further stated that this would imply a limitation upon increase of amounts named in the budget and required to be therein and not to matters which could not be contemplated or anticipated. The court added that the language would also imply an intention that the limitation was to attach to named subjects of appropriations and not to appropriations generally. We therefore conclude that a three-fifths vote on LB 522A would not be required, but that its passage would not be binding.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Royce N. Harper
Assistant Attorney General

RNH:kkh
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 953. Title read. Considered.

Messrs. Nichol and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:

(Amendment to Committee Amendment, Req. 2670)

1. Insert the following new amendment:

"4. On page 6, after line 8 insert a new paragraph as follows:

'Each person voting under the provisions of sections 1 to 18 of this act shall be required to sign an affidavit swearing he or she is entitled to vote under sections 1 to 18 of this act. Such affidavit shall be a public record and may be in the form of a poll book or any other form prescribed by the Secretary of State.'.".

2. On page 2, line 22 after "State" insert "and each county"; and in line 25, before the semicolon insert "and after the period insert 'Such election expenses shall be apportioned whenever possible.'".

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Standing Committee Amendments found in the Journal on page 876, Req. #2670, were adopted as amended with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1225.

Mr. Vickers moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Apking
Barrett
Beutler
Carsten
Chambers
Clark
Cullan
Duda
Dworak
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Remmers
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Chronister
Cope
DeCamp
Fenger
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 2:

Beyer
Burrows

Excused and not voting, 3:

Marvel
Nichol
Peterson, R.

The amendment lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to withdraw his amendment found in the Journal on page 1458. No objections. So ordered.

Mr. Burrows offered the following amendment:

On page 11 line twenty-one (21) strike twenty-five and insert ten (10)

On line 25 page 11 strike one dollar and insert twenty-five cents (25¢)

Mrs. Labedz and Mr. Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Burrows amendment lost with 6 ayes, 25 nays, 14 present and not voting, and 4 excused and not voting.

EXPLANATION OF VOTE

Because of a possible conflict of interest, I did not vote for or against LB 633.

(Signed) Carol McBride Pirsch

RESOLUTION

LEGISLATIVE RESOLUTION 281.

Introduced by Barrett, 39th District; Vickers, 38th District.

WHEREAS, Virginia Sitorius of Cozad has been named the 1982 Nebraska Mother of the Year; and

WHEREAS, Mrs. Sitorius is the mother of six children; and

WHEREAS, Mrs. Sitorius is active in the Dawson County Parent-Child Care Center, has served as chairperson of the Council of Ministries, trustee of the Methodist Church, and president of the United Methodist Women, and is a member of PEO Chapter CO, the VFW Auxiliary, and the Cozad Women's Club; and

WHEREAS, Mrs. Sitorius has demonstrated a loving and tireless devotion to family and community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to Virginia Sitorius on her selection as Nebraska Mother of the Year and commends her for her dedication to family values and community betterment.
2. That a copy of this resolution be presented to Mrs. Sitorius together with the best wishes of the Legislature.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 531 and 604A.

(Signed) Karen Kilgarin, Chairperson

MOTION - Reconsider LB 952

Messrs. Beyer, Sieck, and Cullan moved to reconsider the vote on Final Reading of LB 952.

Laid over.

MOTION - Reconsider LB 626

Mr. DeCamp moved to reconsider the vote on Final Reading of LB 626, for a technical or clarifying amendment pursuant to Rule 7, Section 7(d).

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp and Miss Kilgarin asked unanimous consent to print the following amendment to LB 754 in the Journal. No objections. So ordered.

Req. #2921

1. Insert the following new sections:

"Sec. 33. The Auditor of Public Accounts shall establish a system of recordkeeping for the transfer of funds between budget programs. The Auditor of Public Accounts shall keep a record of each fund from which money is transferred, the amount of the transfer, the fund receiving the money, the dates of the transfer of the money and of the return of the money, and any other information necessary to keep a current account of the transferred funds. Such records shall be accessible to the public upon request.

Sec. 34. Not later than thirty days after the effective date of this act, the Appropriations Committee of the Legislature shall hold a public hearing after providing public notice of such hearing. The committee shall review the transfers between funds, the need for such transfers, the procedure for such transfers, and the effect of returning the money to the fund making the transfer. The committee may make recommendations to the Legislature at the next regular legislative session.

Sec. 35. At the time of the transfer of any funds between budget programs, the State Treasurer shall sign his or her name to a statement which states that such funds have been transferred, the date of such transfer, and the date such money shall be returned to its original fund. Money transferred between funds shall be returned to the fund transferring the money not later than the end of the fiscal year in which the transfer was made. When such funds have been transferred between budget programs, money transferred from one fund shall not be used to directly pay back money received from another fund.”.

2. In E and R Amendment 1, line 10 strike “25 and 26” and insert “24 and 25”; in line 11 strike “27 and 28” and insert “26 and 27”; in line 12 strike “29” and insert “28, new section 24 found in Req. 2730 as section 29”; and in line 13 strike “22 to 26” and insert “22 to 24, 25, and 26” and strike “30 to 34” and insert “30 to 32, 36, and 37”.

VISITORS

Visitors to the Chamber were 8 students, teachers, and sponsors from St. Francis of Assissi, Omaha; Senator Rumery's granddaughter, Amy Phares, his son, Myron L. Rumery, and daughter, Kristen from North Platte; Diane Miller from North Platte; 47 students and teachers from Waverly-Eagle; 1981 Mother of the Year, Charlotte Jackson, from Ralston; 13 students and teacher, Dr. Jan Vermeer, from Nebraska Wesleyan University; 50 students, teachers, and sponsors from Genoa Public Schools; and Cindy, Matthew, and John Kunz from Hastings.

RECESS

At 12:02, on a motion by Mrs. Pirsch, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Mr. R. Peterson who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 953. Considered.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 38 ayes, 3 nays, and 8 excused and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282.

Introduced by Koch, 12th District.

Purpose: To study issues regarding the Nebraska Teachers Professional Negotiations Act. The study should review procedures of the Teachers Professional Negotiation Act and the Court of Industrial Relations, the procedure for negotiation of teacher contracts, and methods to resolve contract disputes and impasses.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a Committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.
2. That the Committee shall upon conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283.

Introduced by Koch, 12th District.

Purpose: To study the current situation regarding education programs for pre-kindergarten children. The study should review current programs offered by both private and public organizations; should determine if there is a greater need for these education programs; should determine the need for standards for the operation of such programs; and should determine the proper state agency or agencies to administer such programs and standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a Committee of the Legislature be designated to conduct an interim study to carry out the provisions of this resolution.
2. That the Committee shall upon conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 284.

Introduced by Koch, 12th District.

Purpose: To study the issues in LB 638 which proposed a Nebraska Library Services Act. To study the differences in the access and availability of Library service from one area to another, methods for financial support of public libraries of small communities and rural areas to meet minimum service needs, and methods of making computer services available to libraries. The study should also include a review of the regional service systems which have been devised on neighboring states, especially those which are ''multi-type'' and serve public, school, academic, and special libraries; a consideration of state level ''utilities'' that can be commonly used by all libraries, such as the statewide library telecommunications system; and options to the methods for financing library service.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of the resolution.
2. That the Committee shall upon conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1982, at 1:40 p.m., were the following bills: 428 and 571.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 754. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. E & R amendments found in the Journal on page 1412 for the Fiftieth Day were adopted.

Mrs. Higgins, Messrs. Goll and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following amendment:

(Amendments to the Standing Committee amendments)

1. On page 1, line 2 after "sections" insert "2 to 6,".

2. On page 4, line 18 after "32," insert "line 15, strike '2-3322, 2-3413,' in"; in line 20 after the semicolon insert "in line 18 strike '2-3633,';"; and in line 22 strike beginning with "before" through "'and'" and insert "strike 'sections 2-2317, 2-4018,' and insert 'section'".

The Schmit amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1473.

The Vickers amendment was adopted with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Kahle renewed his pending amendment, Req. #2900, found in the Journal on page 1497.

The Kahle amendment lost with 6 ayes, 21 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Fenger renewed his pending amendment found in the Journal on page 1506.

Mr. Landis offered the following amendment to the Fenger amendment:

Amendment to Senator Fenger Amendment
to LB 942, Page 1506 of the Journal

Add a new section as follows:

That section 39-2215, Revised Statutes Supplement, 1981, be amended to read as follows:

39-2215. There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund. All motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state, and such other high-user taxes which may be imposed by state law and allocated to the fund are hereby irrevocably pledged for the terms of the bonds to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption, and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose. Of the money in the fund not required for such use (1) an amount equal to two dollars and fifty cents times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (2) ~~an amount not to exceed the equivalent of one cent per gallon of the money collected pursuant to sections 66-410, 66-428, and 66-605 shall be placed in the Alcohol Plant Fund only when calls or demands are made on such fund pursuant to lease agreements entered into under this act,~~ for fiscal year 1982-83, $4,875,000 shall be transferred to the State Patrol Road Operations Cash Fund, which is hereby created, for financing the Nebraska State Patrol's Protection of People and Property Program, program number 195, and (3) the remaining money in the Highway Trust Fund may be used for the purchase of retirement of the bonds in the open market or for any other lawful purpose and the balance shall be transferred monthly to the Highway Allocation Fund, established by section 39-2401, for such use as may be provided by law. ~~Any amounts in the Alcohol Plant Fund not utilized for purposes stated in Section 66-828 may, in the discretion of the Governor, be used for the purchase for retirement of bonds authorized in this section or by section 66-829 in the open market or for any other lawful purpose, including transfer to the Highway Allocation Fund established by section 39-2401.~~ The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. The money deposited in the Highway Trust Fund shall be invested in the manner provided by law. The earnings therefrom, if any, shall be credited to the fund. All disbursements for the Highway Trust Fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the Highway Trust Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 10 nays, and 24 not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Koch requested a record vote.

Voting in the affirmative, 19:

Beutler
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Labedz
Landis
Nichol
Peterson, H.
Pirsch
Remmers
Von Minden
Wesely

Voting in the negative, 25:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Hefner
Johnson, L.
Kahle
Kilgarin
Kremer
Lamb
Marsh
Newell
Peterson, R.
Rumery
Stoney
Vickers
Wagner
Warner

Present and not voting, 4:

Fenger
Schmit
Sieck
Wiitala

Excused and not voting, 1:

Marvel

The Landis amendment to the Fenger amendment lost with 19 ayes, 25 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Fenger moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Fenger requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Higgins
Johnson, L.
Johnson, V.
Koch
Labedz
Landis
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Vickers
Von Minden
Wiitala

Voting in the negative, 20:

Apking
Barrett
Carsten
Clark
Cope
Dworak
Fowler
Hefner
Hoagland
Kahle
Kilgarin
Kremer
Lamb
Marsh
Newell
Rumery
Stoney
Wagner
Warner
Wesely

Excused and not voting, 1:

Marvel

Absent and not voting, 1:

Schmit

The Fenger amendment was adopted with 27 ayes, 20 nays, 1 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mrs. Labedz offered the following amendment:

1. Strike original sections 8 and 25.
2. On pg 32, line 16, Strike "23-905"; and in line 19 strike "84-304".
3. Renumber remaining sections accordingly.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Labedz amendment was adopted with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Cullan offered the following amendment:

If, at any point in the state fiscal year, Medical Assistance funds are being expended at a rate that would exceed funds available for Medical Assistance expenditures for the fiscal year, the Director of the Nebraska Department of Public Welfare shall impose a pro rata reduction of all allowable costs for optional services under the Medical Assistance program, except for costs payable to Indian Health Service facilities which are subject to 100% federal reimbursement, costs which reflect manufacturers actual cost of materials, skilled nursing care services for individuals twenty-one years of age and under, intermediate nursing care services for mentally retarded individuals, intermediate care facility services for individuals age sixty five and older in institutions for mental diseases, intermediate care facility services for individuals age twenty-one and under in institutions for mental diseases. Such reduction shall be a percentage designed to bring the rate of expenditures into line with available funds.

If at any time such cuts for optional services amount to a pro-rata reduction of ten percent for such optional services covered by this section, the Director of Welfare shall impose a pro-rata reduction on all services provided by Medical Assistance on an equal percentage for all such further reductions in payments.

For the purpose of this act, allowable costs shall mean the costs which may be paid to a provider for any goods or services covered by the Medical Assistance program prior to any adjustment due to payments available from other sources.

Mr. Wesely offered the following amendment to the Cullan amendment:

Include: "The above authorization will apply only for the 1982-83 fiscal year".

Mr. Wesely moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Cullan requested a roll call vote on the Wesely amendment.

Voting in the affirmative, 20:

Beutler
Burrows
Clark
DeCamp
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 24:

Apking
Beyer
Carsten
Chronister
Cope
Cullan
Duda
Dworak
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Warner

Present and not voting, 4:

Barrett Chambers Goll Lamb

Excused and not voting, 1:

Marvel

The Wesely amendment to the Cullan amendment lost with 20 ayes, 24 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

The Cullan amendment was adopted with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

Req. #2912

1. Insert the following new section:

"Sec. 2. That section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2715.02. (1) The Tax Commissioner shall include in the revenue estimate provided to the State Board of Equalization and Assessment monthly estimates of the anticipated receipts for each source of General Fund revenue which provides in excess of five million dollars annually to such fund.

(2) On or before the fifteenth day of each month the Tax Commissioner shall provide to each member of the State Board of Equalization and Assessment a report reflecting the General Fund deposits for the preceding calendar month and the limitations of information contained in such report. Such report shall be made available to any individual upon request.

(3) After January 1, 1976, if the accumulative total deposits to the General Fund ~~for the year~~ at the end of any quarter of the fiscal year shall ~~at any time~~ be less than ~~ninety~~ ninety-five per cent or greater than one hundred ten per cent of the projected deposits for such period as presented to the State Board of Equalization and Assessment at its November meeting or any subsequent meeting called pursuant to this subsection, the Governor ~~may~~ shall call a meeting of the State Board of Equalization and Assessment to determine

whether the rates for the sales tax and income tax shall be changed. If such a change is required, the board shall establish the new rates pursuant to section 77-2715.01. The Governor may call a meeting of the State Board of Equalization and Assessment at any time if there is a need to review General Fund cash flow or in response to revisions in revenue projections presented to the board at its November meeting or any subsequent meeting called pursuant to this subsection.”.

2. On page 6 , line 15, after “section” insert “77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section”; and in line 16 strike “is” and insert “are”.

3. Renumber remaining sections accordingly.

Mr. Fowler asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

Req. #2914

1. Insert the following new section:

“Section 1. That Section 77-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-913. The State Treasurer shall receive the funds paid under the provisions of sections 77-907 to 77-914 and shall keep all money received in a separate fund to be known as the Insurance Tax Fund. Prior to June 1 of each year, the State Treasurer shall disburse all of the funds in the Insurance Tax Fund on May 1 last past, as follows except that in 1982, such funds shall be transferred prior to April 15:

(1) Fifty per cent of the total shall be transferred to the state General Fund; and

(2) Fifty per cent of the total shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last United States government census.

2. On page 6, line 15, after “original” insert “section 77-913, Reissue Revised Statutes of Nebraska, 1943, and “; and in line 16 strike “is” and insert “are”.

3. In the title, line 2, after “amend” insert “section 77-913, Reissue Revised Statutes of Nebraska, 1943, and”; in line 3 after the first “to” insert “revenue and” and after the semicolon insert “to provide for the disbursement of certain funds as prescribed;”; and in line 6 strike “section” and insert “sections”.

4. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

Mr. Fowler asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

1. On page 3, after line 14, insert the following new subdivision:

"(b) In fixing the rates, the board shall consider any obligations resulting from interfund transfers to the General Fund. Such interfund transfers shall be considered an encumbrance against the General Fund for rate-setting purposes. Prior to any meeting of the board, the Director of Administrative Services shall certify to the board the amount of interfund transfers to the General Fund that have occurred since the last meeting of the board or are expected to occur during the twelve months following the rate-setting date."; in line 15, strike (b) and insert "~~(b)~~(c)"; in line 18, strike "subdivision (a)", show as stricken, and insert "subdivisions (a) and (b)"; and in line 22, strike "(c)", and insert "~~(c)~~(d)".

2. On page 4, line 1, strike "(d)" and insert "~~(d)~~(e)"; in line 3 strike "(c)" and insert "~~(c)~~(d)"; in line 9, strike "and (b)", show as stricken and insert "to (c)"; in line 17, strike "subdivision (a)"; show as stricken, and insert "subdivisions (a) and (b)"; in line 18, strike "(e)" and insert "~~(e)~~(f)"; and in line 26, strike "(f)" and insert "~~(f)~~(g)".

3. On page 5, line 7, strike "(g)" and insert "~~(g)~~(h)"; in line 11, strike "(h)" and insert "~~(h)~~(i)"; and in line 12 after "an" insert "obligation resulting from interfund transfers or an".

4. In the title, line 5, after the second semicolon insert "to provide for consideration of certain obligations in establishing rates;".

Mr. Fowler asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

Req. #2915

1. Insert the following new section:

"Section 1. That Section 77-913, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-913. The State Treasurer shall receive the funds paid under the provisions of sections 77-907 to 77-914 and shall keep all money received in a separate fund to be known as the Insurance Tax Fund. Prior to June 1 of each year, the State Treasurer shall disburse all of the funds in the Insurance Tax Fund on May 1 last past, as follows, except that in 1982, such funds shall be transferred prior to April 15:

(1) Fifty per cent of the total shall be

transferred to the state General Fund; and

(2) Fifty per cent of the total shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last United States government census.''.

2. On page 7, line 1, after ''original'' insert ''section 77-913, Reissue Revised Statutes of Nebraska, 1943, and ''; and in line 2 strike ''is'' and insert ''are''.

3. In the title, line 2, after ''amend'' insert ''section 77-913, Reissue Revised Statutes of Nebraska, 1943, and''; in line 4 after the semicolon insert ''to provide for the disbursement of certain funds as prescribed;''; and in line 7 strike ''section'' and insert ''sections''.

4. Renumber original sections 1 and 2 as sections 2 and 3 respectively.

Mr. Fowler asked unanimous consent to print the following amendment to LB 693 in the Journal. No objections. So ordered.

1. On page 3, after line 14, insert the following new subdivision:

''(b) In fixing the rates, the board shall consider any obligations resulting from interfund transfers to the General Fund. Such interfund transfers shall be considered an encumbrance against the General Fund for rate-setting purposes. Prior to any meeting of the board, the Director of Administrative Services shall certify to the board the amount of interfund transfers to the General Fund that have occurred since the last meeting of the board or are expected to occur during the twelve months following the rate-setting date.''; in line 15, strike (b) and insert ~~(b)~~(c)''; in line 18, strike ''subdivision (a)'', show as stricken, and insert ''subdivisions (a) and (b)''; and in line 22, strike ''(c)'', and insert ''~~(c)~~(d)''.

2. On page 4, line 1, strike ''(d)'' and insert ''~~(d)~~(e)''; in line 3 strike ''(c)'' and insert ''~~(c)~~(d)''; in line 9, strike ''and (b)'', show as stricken and insert ''to (c)''; in line 17, strike ''subdivision (a)''; show as stricken, and insert ''subdivisions (a) and (b)''; in line 18, strike ''(e)'' and insert ''~~(e)~~(f)''; and in line 26, strike ''(f)'' and insert ''~~(f)~~(g)''.

3. On page 5, line 7, strike ''(g)'' and insert ''~~(g)~~(h)''; in line 11, strike ''(h)'' and insert ''~~(h)~~(i)''; and in line 12 after ''an'' insert ''obligation resulting from interfund transfers or an'';

4. In the title, line 7, after the semicolon insert ''to provide for consideration of certain obligations in establishing rates;''.

Mr. Vickers asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

1. Page 2, line three strike “forty-five”, show as stricken, and insert “eighty-two” and after “million”, insert “six hundred thousand”.

2. Strike sections 2 through 9, and insert the following new section.

“Sec. 2. That sections 77-27,136, 77-27,137 and 77-27,137.01, Revised Statutes Supplement, 1980 and also sections 77-3605 to 77-3615, Revised Statutes Supplement, 1981 are repealed.”

Mr. DeCamp asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

Req. #2877

1. In the Carsten amendment on page 1234 of the Journal, on page 3, line 1, strike “6” and insert “9”, and strike “This” and insert “Sections 1 to 5 and 11 of this”; in lines 1 and 2, strike “on July 1, 1982” and insert “only if the Nebraska Supreme Court rules that sections 77-3611 to 77-3615 are unconstitutional in whole or in part. The other sections of this act shall become operative on July 1, 1982. If sections 77-3611 to 77-3615 are found to be unconstitutional sections 1 to 5 and 11 of this act shall become operative on the date the Clerk of the Supreme Court certifies that the Nebraska Supreme Court's decision has become final”.

2. Insert the following new sections:

“Sec. 6. For fiscal year 1982-83, if any payments to be made (1) pursuant to sections 1 to 5 of this act under sections 77-27,137, 79-1333, and 79-2651 or (2) pursuant to section 77-3613, are delayed because of the effect of section 9 of this act such payments shall be distributed as soon as legally possible according to the schedule provided in such sections with any monthly payment not made on schedule added to the next payment made pursuant to such sections.

Sec. 7. That section 77-3612, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3612. For fiscal year 1982-83 and each fiscal year thereafter the Legislature shall appropriate ~~seventy~~ eighty-two million six hundred thousand dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 8. That section 77-3613, Revised Statutes supplement, 1981, be amended to read as follows:

77-3613. For fiscal year 1982-83 and each fiscal year thereafter each county shall receive an amount from the Political Subdivision Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1982, and each December 5 thereafter, except that for fiscal year 1982-83, no payment shall be made until the Nebraska Supreme Court has ruled on the constitutionality of sections 77-3611 to 77-3615. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 77-3614.".

3. In the Standing Committee amendments, on page 3, line 6, strike "9" and insert "13"; and in line 14 strike "7 and 8" and insert "10 and 11".

Mr. Koch asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

Amendment to
Appropriation Committee Amendments to LB 761 (Req 2729)

1. On page 111, lines 6, 7 and 9 strike "19,253,489" and insert "19,590,562".

Mr. Remmers asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

Amendment to Appropriations Committee Amendment
(Req. 2729) to LB 761

On page 93, after line 21, insert "GENERAL FUND 4,000";

On line 24, strike "329,098" and insert "333,098".

After line 26, insert:

"There is included in the General Fund appropriation to this program $4,000 General Funds for plugging an abandoned well in Richardson County.".

SELECT FILE

LEGISLATIVE BILL 942. Considered.

The Appropriations Committee offered the following amendment (1):

AMENDMENT 1

Strike Section 13 of the Standing Committee amendment (Request #2852) on page 1273 of the Legislative Journal and insert:

"Sec. 13. For fiscal year 1982-83, no payments shall be made by the Department of Public Welfare to any vendor for services provided to public assistance recipients, if such payments would result in a payment in excess of the fee allowed on April 1, 1982, increased by three and seventy-five hundredths per cent.

For any vendor enrolled after April 1, 1982, the initial allowable fee shall not be increased by more than three and seventy-five hundredths per cent during 1982-83."

The amendment (1) was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

The Appropriations Committee offered the following amendment (2):

AMENDMENT 2

Req. #2896

1. Insert a new sections as follows:

"Sec. . . . . That section 68-1019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1019. Medical assistance on behalf of recipients shall be paid directly to vendors. ~~On behalf of recipients over sixty-five years of age, medical assistance shall include care in an institution for mental diseases.~~ On behalf of all ~~recipients~~ individuals who are eligible to receive aid to dependent children assistance or aged, blind, or disabled assistance and for whom eligibility for medical assistance is mandatory under Title XIX of the Social Security Act, medical assistance shall include ~~other~~ inpatient and outpatient hospital ~~care~~ services, rural health clinic services, laboratory and X-ray services, ~~nursing home services, care home services, home health care services, nursing services, clinic services,~~ skilled nursing facility services for individuals twenty-one years of age or older, home health services to individuals entitled to skilled nursing facility services, early and periodic screening, diagnosis, and treatment for individuals under the age of twenty-one, family planning services, and services of ~~practitioners~~ physicians licensed by the Department of Health. ~~, and such drugs, appliances, and health aids as may be prescribed by practitioners licensed by the Department of Health.~~ The Director of Public Welfare may also provide for, under the authority provided in section 68-1021, such additional services and eligibility as are optional under Title XIX of the Social Security Act.”.

2. On page 32, line 16, after “43-648,” insert “68-1019,”.

Mr. Warner requested a roll call vote.

Voting in the negative, 21:

Carsten
Clark
Cope
DeCamp
Dworak
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Stoney
Wagner
Warner

Voting in the negative, 22:

Apking
Beutler
Beyer
Burrows
Chambers
Chronister
Cullan
Duda
Fenger
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Newell
Remmers
Vickers
Wesely
Wiitala

Present and not voting, 3:

Goll
Marsh
Sieck

Excused and not voting, 3:

Barrett
Marvel
Von Minden

The Appropriations Committee amendment (2) lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Wagner offered the following amendment:

1. On page 10, line 11, strike the new matter and insert “of eighty-six per cent of the mileage rate”; and reinstate the stricken matter in lines 11 and 12.

2. On page 11, line 5, strike the new matter and

insert "of eighty-six per cent of the mileage rate"; and reinstate the stricken matter in lines 5 and 6.

The Wagner amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mrs. Higgins and Mr. Schmit offered the following amendment:

1. In the Committee Amendments, REQ 2852, on page 2, line 15, after the underscored period insert "No payments shall be made by the Department of Public Welfare to any vendor, under Title XIX of the Social Security Act, as reimbursement for dues to any professional association or for fees or travel expenses to attend workshops or meetings conducted by such professional associations.".

Mrs. Higgins moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Koch requested a roll call vote on the Higgins-Schmit amendment.

Voting in the affirmative, 26:

Beutler
Beyer
Burrows
Carsten
Chambers
Clark
DeCamp
Duda
Dworak
Haberman
Higgins
Hoagland
Kilgarin
Kremer
Labedz
Landis
Marsh
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely

Voting in the negative, 16:

Apking
Barrett
Cope
Cullan
Fowler
Goll
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Newell
Peterson, H.
Peterson, R.
Remmers
Stoney

Present and not voting, 5:

Chronister
Fenger
Goodrich
Lamb
Wiitala

Excused and not voting, 2:

Marvel
Von Minden

The Higgins-Schmit amendment was adopted with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Newell offered the following amendment:

Amend the Higgins-Schmit amendment by striking all language after "association" on line 6, and all of lines 7 & 8.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Newell amendment prevailed with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

Req. #2901

1. Insert the following new section:

"Sec. 2. That section 77-2608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2608. The Tax Commissioner shall prepare and have suitable stamps for use on each kind of piece or package of cigarettes, except where cigarette tax meter impressions are affixed. Requisition for the preparation of such stamps shall be made through the office of the State Purchasing Agent as other state supplies are requisitioned, and the Tax Commissioner and his or her bondsman shall be liable for the value of all such stamps delivered to him or her. The Auditor of Public Accounts shall audit annually or as often as the auditor deems advisable the records of the Tax Commissioner with respect to the money received from the sale of stamps and as revenue from tax meter impressions for the purpose of determining the accuracy and correctness of the same. The Tax Commissioner shall sell the stamps only to licensed whoesale dealers, as defined in section 77-2601, and he or she shall keep an accurate record of all stamps coming into and leaving his or her hands. Such stamps shall be sold and accounted for at the face value thereof, except that the Tax Commissioner may, by regulation certified to the State Treasurer, authorize the sale thereof to wholesale dealers in this state or outside of this state at a discount of ~~five~~ four per cent of such face value of the tax as a commission for affixing and canceling such stamps; Provided, that any wholesale dealer using a tax meter machine shall be entitled to the same discount as allowed a wholesale dealer for affixing and canceling the stamps. The money received by the Tax Commissioner from the sale of said stamps and as revenue from such tax meter impressions shall be deposited by him or her daily with the State Treasurer, who shall credit such money as provided in section 77-2602. Upon proof by the Tax Commissioner that he or she can affix such stamps or meter impression, warehouse, and distribute such cigarettes and collect such revenue at a cost less than the ~~five~~ four per cent discount allowed to wholesale dealers, he or she may then proceed to affix the stamps himself or herself, after giving the wholesale dealers sixty days' notice and purchasing all equipment used by them for the purpose of affixing such stamps or meter impressions at a fair market value.''.

2. On page 5, line 14, after ''original'' insert ''section 77-2608, Reissue Revised Statutes of Nebraska, 1943, and''.

3. Renumber original sections 2 to 5 as sections 3 to 6, respectively.

Messrs. DeCamp, Wesely, Schmit and Haberman asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #2835.)

UNANIMOUS CONSENT - Withdraw Motion

Mr. DeCamp asked unanimous consent to withdraw his motion to reconsider the vote on Final Reading of LB 626 found in this day's Journal. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 students and teachers from St. Mary's School, Omaha; 20 students and teacher from Lincoln Christian School; and Wayne and Molly Meier.

ADJOURNMENT

At 5:07 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Thursday, April 1, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 1, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 1, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mr. Lamb presiding.

PRAYER

The prayer was offered by Rev. Edith Young, Associate Pastor, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Fowler, Hoagland, Koch, Kremer, Newell, Miss Kilgarin, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

Req. #2924

1. Insert the following new sections:

"Sec. 6. That section 21-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-301. Each corporation organized under the laws of this state, for profit, shall make a report in writing to the Secretary of State, as of January 1, annually, in such form as the Secretary of State may prescribe. The report shall be signed by one of the following: The president, a vice president, a secretary or a treasurer of the corporation, and forwarded to the

Secretary of State on or before (1) August 1, 1982, or (2) April 15, 1983, and April 15 of each year thereafter. ~~of the same year.~~ The report shall be for the calendar year beginning January 1, and the annual fee shall become due and assessable on the same date, and delinquent if not paid on or before (a) August 1, 1982, or (b) April 15, 1983, and April 15 of each year thereafter. ~~of the same year.~~ If the Secretary of State finds that such report and annual fee conform to the requirements of the law, he or she shall file the same. If he or she finds that they do not so conform, he or she shall return the same to the corporation for any necessary corrections.

Sec. 8. That section 21-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-304. Each foreign corporation for profit, doing business in this state, owning or using a part or all of its capital or plant in this state, and subject to compliance with all other provisions of law shall, in addition to all other statements required by law, make an annual report in writing, to the Secretary of State, as of January 1, in such form as the Secretary of State may prescribe. The report shall be signed by one of the following: The president, a vice president, a secretary or a treasurer of the corporation, and forwarded to the Secretary of State on or before (1) August 1, 1982, or (2) April 15, 1983, and April 15 of each year thereafter. ~~of the same year.~~ The report shall be for the calendar year beginning January 1, and the annual fee shall become due and assessable on the same date, and delinquent if not paid on or before (a) August 1, 1982, or (b) April 15, 1983, and April 15 of each year thereafter. ~~of the same year.~~ If the Secretary of State finds that such report and annual fee conform to the requirements of the law, he or she shall file the same. If he or she finds that they do not so conform, he or she shall return the same to the corporation for any necessary corrections.

Sec. 10. That section 21-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-313. If a corporation required to file the report and pay the fee prescribed in sections 21-301 to 21-325 fails or neglects to make such report, as required therein, or to pay such fee on or before (1) August 1, 1982, or (2) April 15, 1983, and April 15 of each year thereafter, ~~of the same year,~~ such corporation shall be automatically dissolved on August 2, 1982, or on April 16, 1983, and April 16 of each year thereafter. ~~of the same year.~~

Sec. 11. That section 21-323, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

21-323. (1) Prior to ~~March~~ January 1 of each year, ~~effective January 1, 1970,~~ the Secretary of State shall cause to be mailed by first-class mail to the last-named and appointed registered agent at the last-named street address of the registered office of each domestic corporation subject to sections 21-301 to 21-325 a notice stating (a) on or before August 1, 1982, or (b) April 15, 1983, and April 15 of each year thereafter that occupation taxes are to be paid ~~on or before August 1 of the same year~~ and that a properly executed and signed report is to be filed. If ~~on or before August 1 of the same year; that if~~ occupation taxes are not paid and ~~on or before August 1 of the same year and that if~~ the report is not filed on or before ~~August 1 of the same year~~ such dates, delinquent corporations shall be automatically dissolved on August 2, 1982, or April 16, 1983, and April 16 of each year thereafter ~~of the same year~~ for nonpayment of occupation taxes and failure to file the report; and that the delinquent occupation tax shall be a lien upon the assets of the corporation subsequent only to state, county, and municipal taxes.

(2) Upon the failure of any domestic corporation to pay its occupation tax and file the report within the time limited by sections 21-301 to 21-325, the Secretary of State shall upon August 2, 1982, or April 16, 1983, and April 16 of each year thereafter ~~of the same year~~ dissolve the corporation for nonpayment of taxes and make such entry and showing upon the records of his or her office.

(3) All delinquent occupation taxes of the corporation shall be a lien upon the assets of the corporation, subsequent only to state, county, and municipal taxes; Provided, occupation taxes existing and delinquent on August 28, 1943, shall cease to be a lien as against any mortgagee, pledgee, purchaser, or judgment creditor unless a notice of the lien is filed by the Secretary of State, within one year after March 9, 1957, with the county clerk of the county wherein the personal property sought to be charged with such lien is situated, and with the county clerk or register of deeds of the county wherein the real estate sought to be charged with such lien is situated.

(4) No domestic corporation shall be voluntarily dissolved until all occupation taxes and annual fees due to or assessable by the state have been paid and the report filed by such corporation.

Sec. 12. That section 21-325, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

21-325. (1) Prior to ~~March~~ January 1 of each year, ~~effective January 1, 1970,~~ the Secretary of State shall cause to be mailed by first-class mail to the last-known address of each foreign corporation subject to sections 21-301 to 21-325 a notice stating (a) on or before August 1, 1982, or (b) April 15, 1983, and April 15 of each year thereafter that occupation taxes are to be paid ~~on or before August 1 of the same year~~ and that a properly executed and signed report is to be filed. If such ~~on or before August 1 of the same year; that if~~ occupation taxes are not paid ~~on or before August 1 of the same year and that if the~~ and such report is not filed on or before ~~August 1 of the same year~~ such dates, delinquent corporations shall be automatically dissolved on August 2, 1982, or April 16, 1983, and April 16 of each year thereafter ~~of the same year~~ for nonpayment of occupation taxes and failure to file the report; and that the delinquent occupation tax shall be a lien upon the assets of the corporation subject only to state, county, and municipal taxes.

(2) Upon the failure of any foreign corporation to pay its occupation tax and file the report within the time limited by sections 21-301 to 21-325, the Secretary of State shall upon August 2, 1982, or April 16, 1983, and April 16 of each year thereafter ~~of the same year~~ dissolve the corporation for nonpayment of taxes and shall bar the corporation from doing business in the State of Nebraska under the corporation laws of the state and make such entry and showing upon the records of his or her office.

(3) All delinquent corporation taxes of the corporation shall be a lien upon the assets of the corporation within the state, subsequent only to state, county, and municipal taxes; Provided, that nothing in sections 21-322 to 21-325 shall be construed to allow a foreign corporation to do business in Nebraska without complying with the laws of the State of Nebraska.

(4) No foreign corporation shall be voluntarily withdrawn until all occupation taxes and annual fees due to or assessable by the state have been paid and the report filed by such corporation.".

2. In the Standing Committee amendments on page 28, strike beginning with "6" in line 2 through "74" in line 3 and insert "7, 40, 47, 50, 57, 58, 59, 62, 63, 71, 72, 73, 74, and 78"; and strike beginning with "after" in line 5 through " '21-306,'" in line 6 and insert "after the first comma insert '21-301', after the second comma insert '21-304, 21-306, 21-313, 21-323, 31-325,'"; and

strike amendment 35.

3. Renumber remaining sections accordingly.

EXPLANATION OF VOTE

Had I been present for Final Reading on March 31, 1982, I would have voted aye on LB 573, 633, 668, 739, 751, 766CA, 790, 852e, 869, 875e and 892e.

(Signed) Emil E. Beyer, Jr.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

The Miscellaneous Subjects Committee suggests that the Legislature confirm the following Gubernatorial appointment. The Committee suggests a record vote. Senator Fenger moved to suggest that the Legislature confirm the appointment, seconded by Senator Beyer.

William Fitzgerald - Nebraska Arts Council

Voting yes: Senators Barrett, Beyer, Duda, Fenger, Hefner, and Von Minden. Voting no: None. Absent: Senators Cullan, and Newell.

(Signed) Elroy Hefner, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1982, at 5:20 p.m., was the following bill: 626.

(Signed) John H. Albin
Assistant Bill Drafter

RESOLUTIONS

LEGISLATIVE RESOLUTION 285.

Introduced by Sieck, 24th District; Kilgarin, 7th District; Pirsch, 10th District; Von Minden, 17th District; Nichol, 48th District; DeCamp, 40th District.

WHEREAS, the Nebraska Legislature has adopted LR 234 acknowledging the plight of crime victims by declaring the week of April 18 to April 24, 1982 as Victims' Rights Week in Nebraska; and

WHEREAS, each year many citizens of Nebraska become innocent victims of crime and suffer personal injury to their person as well as having their personal property taken, damaged or destroyed; and

WHEREAS, criminal defendants who have been determined guilty in a court of law, and who through their actions cause victims financial loss, as well as the state; and

WHEREAS, these criminal defendants possess the ability, manpower and talent to participate in work programs where their earnings could go towards restitution payments to these victims, and aid in cutting costs the state incurs when caring for these offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. A committee of the Legislature shall conduct an interim study of victim compensation law as it should be applied to the State of Nebraska and the possibility of expanding work programs to the extent that convicted offenders could generate income to make restitution payments to victims, as well as to aid in the cost incurred by the state and local governments in processing and jailing these offenders.

2. That this committee shall upon the completion of the study make a report of its findings, together with its recommendations, and submit the report to the full Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 286.

Introduced by Koch, 12th District.

PURPOSE:

To study the method used for determining the in lieu of tax money payments on school lands. So as to make a complete a study as possible, the interim study should include an examination of issues regarding school lands. Specifically, the study should include an examination of the Educational Lands and Fund Board, the requirements regarding the composition of the Board, the procedures of the Board, an examination of the method used to determine the appraised value of school lands, and the procedures used for the distribution of money payments to schools.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.

2. That the committee shall upon conclusion of its study, make a report of its findings, together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 287.

Introduced by Nichol, 48th District.

WHEREAS, Mrs. James Moranville of Scottsbluff has been named Nebraska's 1982 Young Mother of the Year; and

WHEREAS, Mrs. Moranville is the mother of three daughters; and

WHEREAS, Mrs. Moranville is a member of Beta Sigma Phi, program chairperson for the Longfellow Elementary School Parent-Teacher Association, a member of the Western Nebraska General Hospital Auxiliary, and a Sunday and Bible school teacher at First United Methodist Church in Scottsbluff; and

WHEREAS, Mrs. Moranville has demonstrated a unique ability to coordinate a loving family life and community activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to Chris Moranville on her selection as Nebraska Young Mother of the Year and commends her for her dedication to family values and community activities.
2. That a copy of this resolution be presented to Mrs. Moranville together with the best wishes of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 288.

Introduced by Landis, 46th District.

PURPOSE:

To study certain aspects of the population-based system under which municipalities in Nebraska are classified. Specifically, the study would be directed at clarifying the statutory procedure governing the reclassification of municipalities when population increases or decreases occur.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 289.

Introduced by Landis, 46th District.

PURPOSE:
To undertake a study of minimum qualifications for elected government office holders in the State of Nebraska. At all levels of government, there exist offices for which there are no established qualifications to be met by candidates for those offices, or for which the established qualifications are inadequate. The study will focus on those offices for which qualifications need to be established or altered, as well as on the type of qualifications that will help insure the efficient functioning of the offices in question.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 290.

Introduced by Landis, 46th District.

PURPOSE:
To undertake a study of the existing conflict of interest statutes applicable to local subdivisions, with the intent of recodifying and updating those laws. This study is necessary because many municipalities have experienced difficulty in applying conflict of interest statutes; the statutory maximum relating to contracts in which public officials may have an interest is potentially subject to frequent alteration; and other policy alternatives, such as full disclosure, have not been considered as potential vehicles for the enforcement of the conflict of interest concept. The committee should take into consideration all of the above factors in pursuing its study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Withdraw Motion to LB 202

Mr. Chambers asked unanimous consent to withdraw his motion found in the Journal on page 1397 to reconsider the vote on the reconsideration motion to LB 202. No objections. So ordered.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 7, Section 7, and reconsider the indefinite postponement of LB 202.

Mr. Chambers moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his motion.

Voting in the affirmative, 23:

Beutler
Carsten
Chambers
DeCamp
Dworak
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Koch
Landis
Marsh
Newell
Nichol
Remmers
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 23:

Apking
Barrett
Beyer
Burrows
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Hefner
Higgins
Johnson, L.
Kahle
Labedz
Lamb
Peterson, H.
Peterson, R.
Pirsch
Stoney
Von Minden
Wagner

Excused and not voting, 3:

Kilgarin
Kremer
Marvel

The Chambers motion lost with 23 ayes, 23 nays, and 3 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 952

Messrs. Beyer, Sieck, and Cullan renewed their pending motion found in the Journal on page 1532 to reconsider the vote on Final Reading of LB 952.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Cullan requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 29:

Apking
Beyer
Burrows
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Koch
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Chambers
Clark
Cope
Dworak
Johnson, V.
Kahle
Labedz
Lamb
Remmers
Schmit
Stoney
Warner
Wesely

Present and not voting, 2:

Higgins
Marsh

Excused and not voting, 3:

Kilgarin
Kremer
Marvel

The Beyer-Sieck-Cullan motion lost with 29 ayes, 15 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 291.

Introduced by Clark, 47th District.

PURPOSE:
To study the effects pending federal legislation would have on the deregulation of phone companies. Nebraska being for the most part a rural population will be affected by deregulation. This study will be a continuation of meetings which began last fall.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Telecommunications Committee study ways in which Nebraska can be better prepared for the results of deregulation and its impact on the citizens, businesses, state system and phone companies.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Wiitala asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

(Amendments to request #2683)

1. On page 1, line 4, strike "Each" and insert "Except for state hospitals administered by the Department of Public Institutions, each".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 709A. By Beutler, 28th District.
This bill introduced on behalf of: LB 709.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 709, Eighty-seventh Legislature, Second Session, 1982.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 928. Placed on Select File as amended.
E & R amendments to LB 928:

1. On page 72, insert ", but" at the end of line 27.
2. In the S. C. amendment, page 2, line 11, after "dollars" insert an underscored semicolon.
3. In committee amendment, page 14, line 13, strike the comma; and in line 19, strike "line 20" and insert "line 26".
4. In committee amendments, page 27, line 10, insert an underscored comma after "and".
5. On page 30, line 12, after "five" insert "dollars".
6. On page 118, line 4, strike "33-103,".
7. In the title, line 3, insert "21-306," after the third comma and insert "21-20,139," at the end of the line; in line 6, strike "33-103,"; insert "75-352," at the end of line 11; and on page 21, strike line 1 and insert "24-524, 53-131,"; in line 4, insert "26-112," after "sections" and strike "33-150,"; in line 5, strike "66-410.03,"; in line 6, strike "9-403" and insert "9-402"; in line 7, strike "and 9-408" and insert "9-408, and 9-411"; and in lines 10 and 11, strike "an operative date" and insert "operative dates".

(Signed) Karen Kilgarin, Chairperson

MOTION - Return LB 942 to Select File

Mr. Cullan moved to return LB 942 to Select File for the following specific amendment:

In the Cullan amendment on pages 1539 and 1540 of the Journal:

Strike "intermediate care facility services for individuals age sixty-five and older in institutions for mental disease, intermediate care facility services for individuals age twenty-one and under in institutions for mental diseases" and insert "inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals age sixty-five or older and age twenty-one and under in institutions for mental diseases."

The motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 942. The Cullan specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 966. E & R amendments found in the Journal on page 1412 for the Fiftieth Day were adopted.

Mr. Cullan renewed his pending amendment found in the Journal on page 1453.

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

MR. NICHOL PRESIDING

Mr. Schmit renewed his pending amendment found in the Journal on page 1497.

Mrs. Labedz asked unanimous consent to add her name to the Schmit amendment to LB 966, found on pg 1497 of the Journal. No objections. So ordered.

Mr. Schmit requested a record vote on the Schmit-Labedz amendment.

Voting in the affirmative, 13:

Apking
Burrows
Goodrich
Haberman
Higgins
Kahle
Kremer
Labedz
Peterson, R.
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 26:

Barrett
Beutler
Beyer
Carsten
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Hoagland
Johnson, L.
Koch
Landis
Marsh
Newell
Nichol
Peterson, H.
Remmers
Rumery
Stoney
Vickers
Warner
Wiitala

Present and not voting, 8:

Chambers
Chronister
DeCamp
Hefner
Johnson, V.
Lamb
Pirsch
Wesely

Excused and not voting, 2:

Kilgarin
Marvel

The Schmit-Labedz amendment lost with 13 ayes, 26 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 1499.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Warner offered the following amendment:
PURPOSE: To exempt from the 3¢ per head fee at slaughter plants, livestock for which fees had been paid at livestock markets, auction markets and livestock dealers. The exemption would apply to those livestock purchased for slaughter.
AMENDMENT:
1. In the Standing Committee amendments (Request #2808), on page 6, line 20, after "slaughtered" insert ", except that no fee shall be charged if such livestock were subject to the fee provided for in subdivisions (1)(a), (1)(b) or (1)(d) of this section within the previous thirty days."
PURPOSE: To prevent the purchase of computer records of Nebraska driver records by private individuals for resale.
AMENDMENT:
2. On page 25, of the original bill: In line 14 strike "an index" and insert "~~an index~~ a"; after the period in line 15, insert "Any person requesting driver record information shall furnish to the Department the name and date of birth of the person whose record is being requested."; in line 16, strike "a certified" and insert "~~a certified~~ an".

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 970. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 970A. E & R amendments found in the Journal on page 1413 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 761. E & R amendments found in the Journal on page 1413 for the Fiftieth Day were adopted.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1225. No objections. So ordered.

Mr. Hefner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1452. No objections. So ordered.

Mr. Koch renewed his pending amendment found in the Journal on page 1459.

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1488.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved for a Call of the House. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barrett
Beutler
Beyer
Burrows
Cullan
Duda
Fenger
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Koch
Kremer
Labedz
Newell
Peterson, H.
Sieck
Vickers
Wiitala

Voting in the negative, 17:

Apking
Carsten
Clark
Cope
Dworak
Fowler
Johnson, L.
Lamb
Landis
Nichol
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wesely

Present and not voting, 7:

Chambers
Chronister
Haberman
Hefner
Marsh
Peterson, R.
Pirsch

Excused and not voting, 3:

DeCamp
Kilgarin
Marvel

Absent and not voting, 1:

Schmit

The Koch amendment lost with 21 ayes, 17 nays, 7 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Chambers renewed his pending amendment (1) found in the Journal on page 1489 to LB 761.

Mrs. Higgins offered the following amendment to the pending Chambers amendment:

That all future persons convicted of murder in any degree and sexual assault be sentenced to do their time at hard labor building the North Freeway.

The Higgins amendment to the Chambers amendment lost with 9 ayes, 11 nays, 26 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 27:

Apking
Beyer
Carsten
Clark
Cope
Duda
Dworak
Fenger
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle

Kilgarin
Kremer
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden
Warner
Wesely

Present and not voting, 19:

Barrett
Beutler
Burrows
Chronister
Cullan
Fowler
Haberman
Hefner
Koch
Labedz
Lamb
Marsh
Pirsch
Schmit
Sieck
Stoney
Vickers
Wagner
Wiitala

Excused and not voting, 2:

DeCamp
Marvel

The Chambers amendment (1) lost with 1 aye, 27 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers renewed his pending amendment (2) found in the Journal on page 1489.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House. The motion lost with 9 ayes, 15 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his amendment (2).

Voting in the affirmative, 2:

Chambers
Dworak

Voting in the negative, 30:

Apking
Barrett
Beyer
Carsten
Clark
Cullan
Duda
Fenger
Fowler
Goll
Haberman
Hoagland
Johnson, L.
Johnson, V.
Kahle
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner
Wesely

Present and not voting, 14:

Beutler
Burrows
Chronister
Cope
Goodrich
Hefner
Higgins
Kilgarin
Koch
Kremer
Marsh
Pirsch
Vickers
Wagner

Excused and not voting, 3:

DeCamp	Marvel	Wiitala

The Chambers amendment (2) lost with 2 ayes, 30 nays, 14 present and not voting, and 3 excused and not voting.

MOTION - Suspend Rules

Mr. Newell moved to suspend Rule 7 Section 7 and reconsider the Final Reading vote of LB 952.

Laid over.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 31, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blixt, Larry - Des Moines, IA (withdrawn 10-10-81), Iowa/Nebraska Gasoline Dealers Association
Pierson, David C. - Lincoln, (withdrawn 5-30-81), Nebraska Dental Association
Shapiro, Bernard L. - Omaha, (withdrawn 9-30-81), Credit Bureau Services of Omaha

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 768A. By Higgins, 9th District; Labedz, 5th District; Kremer, 34th District; Rumery, 42nd District; DeCamp, 40th District.
This bill introduced on behalf of: LB 768.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 768, Eighty-seventh Legislature, Second Session, 1982.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 408. Placed on Select File as amended.
E & R amendments to LB 408:

1. In the Beutler amendment, strike "provided, however, that" and insert ", but" and strike the period following "waived".
2. In lieu of Chambers amendment 2, in the committee amendments, page 6, line 15, insert "39-644, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; and in line 16 strike "is" and insert "are".
3. In the title, line 2, insert "39-644, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in lines 3 and 4 strike "oversize vehicles" and insert "rules of the road"; in line 4 insert "to provide standards for the use of radio microwaves or other electronic device;" after the semicolon; and in line 6, strike "section" and insert "sections".

LEGISLATIVE BILL 611. Placed on Select File as amended.
E & R amendments to LB 611:

1. On page 10, line 16, insert an underscored comma after "county".
2. In the title, line 3, strike "23-2410,".

LEGISLATIVE BILL 602A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 761. Messrs. Koch and Nichol asked unanimous consent to withdraw their pending amendment found in the Journal on page 1497. No objections. So ordered.

Mr. R. Peterson renewed his pending amendment (1) found in the Journal on page 1505.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 16 nays, and 11 not voting.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. R. Peterson moved for a Call of the House. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. R. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Apking
Beyer
Cullan
Fenger
Hefner
Johnson, L.
Kahle
Peterson, H.
Peterson, R.
Pirsch
Remmers
Von Minden
Wagner

Voting in the negative, 32:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Duda
Dworak
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Schmit
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Excused and not voting, 2:

Clark
Marvel

Absent and not voting, 2:

Kilgarin
Lamb

The R. Peterson amendment (1) lost with 13 ayes, 32 nays, 2 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. R. Peterson asked unanimous consent to withdraw his pending amendments (2) and (3) found in the Journal on page 1505. No objections. So ordered.

VISITORS

Visitors to the Chamber were former Senator Lester Robinson from Kearney; 48 students and teacher from Conestoga Elementary School, Nehawka; 18 students from "Youth for the Legislature" of Nebraska; Mr. and Mrs. Edgar Miller from Evansville, Indiana; Mr. and Mrs. Melvin Hollis from Fort Branch, Indiana; 21 students and teachers from Dist. 44, Saunders County; Margaret Vinton from Mullen; 25 students and teacher from Oakdale School, Omaha; and 20 seniors and teacher from Nemaha Valley.

RECESS

Mr. Von Minden moved to recess until 1:30 p.m.

Mr. Chambers requested a machine vote.

The motion to recess prevailed with 25 ayes, 5 nays, and 19 not voting.

At 12:13 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Mr. Marvel who was excused; and Messrs. Beutler, Burrows, Cullan, Duda, Lamb, Nichol, Schmit, Sieck, Miss Kilgarin, Mesdames Labedz, Marsh, and Pirsch who were excused until they arrive.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 835A. By Wesely, 26th District.
This bill introduced on behalf of: LB 835.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

On page 2, in line 9 after "(2)", insert
"The State Treasurer shall provide written notification to the state agency, board, or commission that administers the fund account, which the State Treasurer plans to transfer to other fund accounts, two days prior to such interfund transfer and within two days after the interfund transfer has been reversed, (3)".

SELECT FILE

LEGISLATIVE BILL 761. Mr. Fenger renewed his pending amendment, Req. #2913 found in the Journal on page 1508.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Fenger moved for a Call of the House. The motion prevailed with 19 ayes, 11 nays, and 19 not voting.

Mr. Fenger requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Apking
Beyer
Clark
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Pirsch
Remmers

Voting in the negative, 32:

Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgrin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, R.
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Excused and not voting, 2:

Marvel
Nichol

The Fenger amendment lost with 15 ayes, 32 nays, and 2 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

Page 3, line 1, following "return", insert "as Nebraska income tax liability"; line 2, strike "return" and insert "taxpayer"; line 3, strike "include" and insert "provide".

MESSAGE FROM THE GOVERNOR

April 1, 1982

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 626 without my signature and with my objections.

As previously announced, I am vetoing LB 626, the multi-bank holding company bill.

In these times of excessively high interest rates and rollercoaster financial conditions it appears to me that this bill would permit the concentration of economic power in the hands of a few at the expense of our local communities.

Now I repeat the advice offered nearly one year ago and repeated at the first of this session: the banking community of this state must make more effort to reach some degree of consensus regarding the structure of the financial community and devote ever greater attention to the larger problems facing both the lenders and borrowers of Nebraska.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:jkb

SELECT FILE

LEGISLATIVE BILL 761. Mr. Newell offered the following amendment:

(Amendment to Req. 2729)

PURPOSE: To increase the appropriation to the State Treasurer, Program 147 - Personal Property Tax Relief, by $1,500,000.

AMENDMENT:

On page 10, in line 22, strike "68,500,000" and insert "70,000,000"; in line 23, strike "68,500,000" and insert "70,000,000"; in line 25, strike "68,500,000" and insert "70,000,000".

On page 11, in line 16, strike "81,305,101" and insert "82,805,101"; in line 18, strike "81,422,117" and insert "82,922,117".

Mr. Newell moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Apking
Barrett
Burrows
Chambers
Chronister
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Marsh
Newell
Vickers
Wiitala

Voting in the negative, 23:

Beutler
Beyer
Carsten
Clark
Cope
Fenger
Goll
Johnson, L.
Kremer
Landis
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Excused and not voting, 1:

Marvel

The Newell amendment was adopted with 25 ayes, 23 nays, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Newell offered the following amendment:
PURPOSE: To delete the renovation of A. O. Thomas Building project (Kearney State College) and reallocate the FY 1982-83 funds to the LB 309 Task Force for Building Renewal.
AMENDMENT:

1. In LB 761, strike original section 102.
2. In the Standing Committee amendments to LB 761 (Request #2729) on page 141, line 15, strike "1,000,000" and insert "1,650,000".
3. In LB 761, on page 88, after line 13, insert the following: "It is the intent of the Legislature that the newly appropriated funds be used primarily for deferred repair and energy conservation projects."
4. Renumber sections accordingly.

The amendment lost with 0 ayes, 30 nays, 18 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

(Final Reading Copy)

Req. #2696

1. On page 17, line 23 before "The" insert "(1)".

2. On page 18, in lines 10 and 11, strike the new matter and reinstate the stricken matter; in line 13 after "determination" insert "no nonsubstantive review status. A determination by the department on nonsubstantive review status or on issuance of a certificate of need as provided in this section shall be considered a final decision for purposes of sections 84-917 to 84-919"; strike beginning with "A" in line 13 through the underscored period in line 18; strike beginning with "request" in line 21 through "or" in line 22; and after line 25, insert the following new subsection:

"(2) If the department determines that an application received for review under this section is incomplete, it shall notify the applicant within fifteen days from the date the application is received stating the particular questions for which a deficiency is noted. The time for action by the department under this section shall not include the days which elapse between the date the department notifies the applicant that the application is incomplete and the date the department receives the additional information which completes the application for the purposes of review.”.

3. On page 22, in lines 15 and 16, strike “ninety days, as”, show as stricken, and insert “the time”; and in line 16 after “71-5838” insert “and section 34 of this act”; and strike lines 26 and 27.

4. On page 23, strike lines 1 through 7; in line 8 strike “(2)” and insert “(1)”; in line 13 strike “(3)” and insert “(2)”; and in line 14 strike “(5)” and insert “(4)”; in line 19 strike “(4)” and insert “(3)”; and in line 20 strike “to (3)” and insert “and (2)”.

5. On page 25, after line 8, insert the following new subsections:

“(2) If the department determines that an application is complete for the purposes of review, or upon the date the department receives the additional information which completes the application for purposes of review, the department shall declare the application complete for the purposes of review. The department shall promptly give notice to affected persons that the application will be reviewed and that further notice of actions on the application will be provided if a written request is submitted to the department. The notice provisions of this section shall be satisfied by publication of such notice in a legal newspaper of general circulation in the county in which the project under review is to be located.

(3) The department shall prepare proposed findings on whether the proposal described in the application will satisfy the criteria established by the department in the rules and regulations adopted and promulgated under sections 71-5852 to 71-5855. The department's proposed findings shall be mailed to the applicant and requesting persons by the thirty-fifth day after the application was declared complete.”; and strike lines 9 through 27 and show the old matter as stricken.

6. On page 26, strike line 1; in line 2 strike “(5)” and insert “(4)”; and strike beginning with “Projects” in line 25 through the period in line 27.

7. On page 27, strike beginning with “If” in line 5 through line 16 and insert “Applications to be considered at a combined review shall be submitted at a time prior to such review which allows the department ample time to determine whether the application is complete and to allow the applicant to submit additional information if the department determines the application is not complete.”; in lines 17 and 18 strike “Certificate of Need Review Committee” and insert “department” and in line 22 strike “review committee” and insert “department”.

8. Insert the following new sections:

"Sec. 31. (1) There are hereby created three certificate of need local hearing panels, one in each congressional district as they exist on the effective date of this act. Each certificate of need local hearing panel shall consist of five members who are residents of the congressional district and who are not providers of health care. Members shall be appointed by the Governor and shall serve for terms of three years, except that of the members first appointed, two shall serve for a term of one year, two shall serve for a term of two years, and one shall serve for a term of three years. In making the initial appointments to each panel, the Governor shall designate the term of office of each person appointed. An individual appointed to fill a vacancy occurring other than by expiration of a term of office shall be appointed for the unexpired term of the member such individual succeeds.

(2) As used in subsection (1) of this section, provider of health care shall mean an individual:

(a) Who is a direct provider of health care, including a physician, dentist, nurse, podiatrist, optometrist, physicians' assistant, or ancillary personnel employed under the supervision of a physician, in that the person's primary current activity is the provision of health care to individuals or the administration of facilities or institutions, including hospitals, long-term care facilities, rehabilitation facilities, alcohol and drug abuse treatment facilites, outpatient facilities, and health maintenance orgainzation, in which such care is provided and, when required by state law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration;

(b) Who holds a fiduciary position with, or has a fiduciary interest in, an entity described in subdivision (c) (i) or (c) (iv) of this section;

(c) Who receives, directly or through the individual's spouse, more than one-fifth of his or her gross annual income from any one or a combination of:

(i) Entities engaged in the provision of health care or in research or instruction in the provision of health care;

(ii) Fees or compensation for research into or instruction in the provision of health care;

(iii) Producing or supplying drugs or articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care; or

(iv) Entities engaged in producing or supplying drugs or medical equipment used in health care facilities.”.

Sec. 32. Members of the certificate of need local hearing panels shall be reimbursed for their actual and necessary expenses on the same basis and subject to the same conditions as provided in sections 84-306.01 to 84-306.05, for state employees.

Sec. 33. Any affected person shall be afforded an opportunity for a hearing to contest the findings proposed by the department under section 71-5838. The request for a hearing shall be in writing, shall indicate whether the requester supports or opposes the application, and shall be received by the department within forty days of the date the application was declared complete. A hearing shall be held if the requester's position is contrary to the findings proposed by the department, except that a hearing request on any application within a combined review shall act as a hearing request on all applications within the combined review. The hearing shall be conducted for the department by the certificate of need local hearing panel in the congressional district from which the application arises.

The hearing shall be conducted according to rules and regulations adopted and promulgated by the department in accordance with Chapter 84, article 9, except that all interested persons shall be given an opportunity to present evidence and argument with respect to the issues involved at the hearing, and the person requesting the hearing shall bear the burden of proving that the application does or does not meet the criteria adopted pursuant to sections 71-5852 to 71-5855. The local hearing panels shall have access to any information submitted for a certificate of need application filed with the department. The local hearing panel shall prepare written findings of fact consisting of a concise statement of the conclusions upon each contested issue of fact. The findings shall be based upon the criteria for review of an application for a certificate of need established pursuant to sections 71-5852 to 71-5855. The written findings of fact, along with exhibits and a recording of the testimony and arguments presented at the hearing, shall be submitted to the department within eighty days of the date the application was declared complete.

Sec. 34. (1) If no hearing is requested within forty days of the date the application was declared complete, or if the positions of all persons who request a hearing are consistent with the findings proposed by the department under section 71-5838, the department shall, in writing, issue a certificate of need with or without specified conditions or reject the application in accordance with those proposed findings within forty-five days of the date the application was declared complete.

(2) If a hearing is held, the department shall, in writing, accept or reject the findings of the local hearing panel and issue a certificate of need with or without specified conditions or reject the application within ninety days of the date the application was declared complete. The determination of the department shall be based upon the criteria for review established pursuant to sections 71-5852 and 71-5855. If the department rejects the findings of the local hearing panel, the decision of the department shall include a statement of facts and conclusions of law relied upon in rejecting the findings. If the local hearing panel does not submit its findings by the eightieth day after the application was declared complete, the department may make findings from the evidence and argument presented at the hearing, facts that could properly be considered under section 84-914, the original application, and the findings proposed by the department, and shall issue a certificate of need or reject the application within ninety days of the date the application was declared complete.".

9. Strike sections 31 to 39 and 41.

10. On page 42, line 14, strike the new matter and reinstate the stricken matter.

11. Strike sections 49 to 52.

12. On page 46, line 6, strike "71-5850 to 71-5859" and insert "33 and 34 of this act".

13. Strike section 57 and insert the following new section:

"Sec. 47. That original sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5838, 71-5849, 71-5851 to 71-5855, 71-5857, 71-5858, 71-5867, 71-5868, and 71-5870, Revised Statutes Supplement, 1980, and also sections 71-5814, 71-5827, 71-5839 to 71-5844, 71-5846 to 71-5848, 71-5850, 71-5856, 71-5859 to 71-5863, 71-5865, and 71-5866, Revised Statutes Supplement, 1980, and sections 71-5845 and 71-5864, Revised Statutes Supplement, 1981, are repealed.".

14. Renumber sections 40, 42 to 48, and 53 to 56 as sections 35, 36 to 42, and 43 to 46, respectively.

15. In the title, strike lines 4 to 9 and insert: "71-5828 to 71-5838, 71-5849, 71-5851 to 71-5855, 71-5857, 71-5858, 71-5867, 71-5868, and 71-5870, Revised Statutes Supplement, 1980, relating to public health"; strike lines 20 and 21 and insert "terminate a

committee and a panel; to change provisions relating to appeals; and"; strike line 23 and insert "sections 71-5814, 71-5827, 71-5839 to 71-5844, 71-5846 to 71-5848, 71-5850, 71-5856, 71-5859 to 71-5863, 71-5865, and"; and in line 24 after "1980" insert ", and sections 71-5845 and 71-5864, Revised Statutes Supplement, 1981".

Messrs. Hefner and Schmit asked unanimous consent to print the following amendment to LB 953 in the Journal. No objections. So ordered.

Req. #2853

1. Insert the following new sections:

"Sec. 19. That section 2-3316, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3316. (1) There shall be paid to the board a fee of not to exceed one cent per bushel upon all soybeans ~~grown in the State of Nebraska and~~ sold through commercial channels in the State of Nebraska. The fee shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. Under the provisions of sections 2-3301 to 2-3324, no soybeans shall be subject to the fee more than once.

(2) The board may, whenever it shall determine that the fees provided by this section are yielding more than is required to carry out the intent and purposes of sections 2-3301 to 2-3324, reduce such fees for such period as it shall deem justified, but not less than one year. If the board, after reducing such fees, finds that sufficient revenue is not being produced by such reduced fees, it may restore in full or in part such fees not to exceed one cent per bushel.

Sec. 23. That original section 2-3316, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. On page 16, line 6, after "12" insert ", 19, and 23".

3. Renumber original sections 19 to 21 and 22 as sections 20 to 23 and 24 respectively.

Messrs. Cullan and Wesely asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

(Amendments to Committee Amendments)

1. Insert new sections as follows:

"Sec. 2. (1) In addition to other motor vehicle fees and taxes authorized by law, there is hereby imposed a tax on motor carriers for use of the highways, the revenue of which shall be expended for highway construction and maintenance purposes.

(2) The tax shall apply to motor vehicles weighing forty thousand pounds or more, operated over the highways of this state. It shall be based on the registered gross weight of the motor vehicle and the miles traveled on the public highways of this state. The Department of Revenue shall determine the motor carrier tax owed by multiplying the miles driven by the carrier's motor vehicles within the state by the applicable motor carrier tax rate for that motor vehicle's weight class according to the following table:

Registered Vehicle Weight	Tax Rate in Dollars Per Mile
40,000 - 45,000	.02119
45,001 - 50,000	.02354
50,001 - 55,000	.02590
55,001 - 60,000	.02825
60,001 - 65,000	.04587
65,001 - 70,000	.04941
70,001 - 75,000	.07501
75,001 - 80,000	.08000
80,001 - and over	.002 per ton

(3) Notwithstanding the fees prescribed by subsection (2) of this section, tax permits may be issued authorizing a single trip over the state's highways upon payment of a fee of five dollars for a trip of one hundred miles or less, or sixty dollars for a trip of greater than one hundred miles. A single trip tax permit shall expire upon completion of the specific trip for which issued and shall remain effective for only a period of ninety-six hours from the time of issuance.

Sec. 3. (1) On or before the last day of each month, all persons subject to the motor carrier use tax prescribed by subsection (2) of section 2 of this act shall report and pay to the Department of Revenue taxes due for the preceding calendar month. If no taxes are due, the report shall so state. If payment is not made on or before such date, there shall be added as a late payment charge a sum equal to ten per cent of the unpaid amount of the tax.

(2) Whenever in the judgment of the department the estimated annual use tax payable by a carrier under subsection (2) of section 2 of this act will be less than one thousand dollars, the department may authorize the carrier to file quarterly reports. Quarterly reports and accompanying remittances due shall be filed on or before the due date as follows: First quarter, April 30; second quarter, July 31; third quarter, October 31; fourth quarter, January 31.

(3) As often as practicable, but in no event

later than every three years after any report of taxes is filed, the department shall audit the payment if the department deems such audit practicable.

Sec. 4. (1) If any person neglects or refuses to make a tax report as required by subsection (1) or (2) of section 3 of this act, the Department of Revenue shall make a proposed assessment of the amount of tax due, based upon any information available to it, for the period for which such person failed to make a report.

(2) Each assessment shall bear interest at the rate of one per cent per month from the last day of the month following the close of the month for which the assessment is imposed until paid.

(3) There shall be added to every such assessment a penalty of twenty-five per cent of the amount thereof.

(4) The department shall give to such person written notice of such assessment.

(5) Whenever the department has made an assessment pursuant to this section which has become final the department may not reopen or reassess such taxes, interest, or penalties unless the department is satisfied that the taxpayer fraudulently or with intent to evade taxation destroyed, concealed, or withheld any books, accounts, papers, records, or memoranda required to be maintained by a person subject to Chapter 39, article 6, or the rules and regulations of the department.

Sec. 5. Notwithstanding any provision of law, the provisions of sections 2, 3, and 4 of this act shall not apply to (1) the movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, and (2) vehicles carrying grain or other unprocessed agricultural products, livestock, garbage, or refuse.

Sec. 6. All revenue derived from the motor carrier use tax shall be deposited in the Highway Trust Fund for expenditure in maintaining, operating, constructing, and reconstructing the public highways of this state.

Sec. 7. The Department of Revenue, in conjunction with the Department of Roads, shall adopt and promulgate such rules and regulations as are necessary to carry out and enforce the provisions of sections 2 to 7 of this act.".

2. Renumber remaining sections accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 953. Placed on Select File as amended.
E & R amendments to LB 953:

(Note: The Schmit amendment 1 refers to the bill as introduced and amendment 2 refers to S. C. amendments.)

1. On page 2, line 18, strike the comma.
2. On page 5, line 23, strike "name" and insert "names".
3. In the Schmit amendments, line 6, insert "that" after "swearing".
4. On page 6, line 27, strike "appointed" and insert "elected".
5. On page 7, line 4, insert "to be paid from the Beef Industry Cash Fund" after "expenses"; and in line 20, strike "their" and insert "its".
6. On page 11, line 9, insert "as are" after "persons".
7. On page 13, line 16, strike "through" and insert "to" and strike the comma; and in line 17, insert an underscored comma after "board".
8. On page 14, line 13, insert "a statement of" after "include".

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 292.

Introduced by Barrett, 39th District; Remmers, 1st District; Lamb, 43rd District.

WHEREAS, Mr. Cliff Hillegass, a fellow Nebraskan, has most generously donated a series of six John Falter prints entitled "From Sea to Shining Sea" to all Nebraskans on the occasion of the Golden Anniversary of our State Capitol; and

WHEREAS, John Falter, the creator of these prints, is a native Nebraskan; and

WHEREAS, these prints are on permanent display in the Moses P. Kinkaid Memorial Hearing Room; and

WHEREAS, these prints contribute greatly to the fine art collection which brings so much pleasure to those who visit and those who work in the State Capitol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends to Mr. Hillegass its most gracious thanks for his generous and exquisite contribution to this state.

2. That the Legislature wishes to acknowledge and thank Mr. Falter for his contribution to Nebraska through his beautiful prints.

3. That the Clerk of the Legislature send copies of this resolution to Mr. Cliff Hillegass and Mr. John Falter.

Laid over.

SELECT FILE

LEGISLATIVE BILL 761. Mr. Warner offered the following Appropriation Committee amendment:

Amendments to Standing Committee
Amendments (Req. 2729) to LB 761

PURPOSE: To increase cash fund appropriation to allow expenditure of unexpected cash funds to be used for civil preparedness and increase the personal services limitation.

AMENDMENTS:

On page 57, in line 15, strike "2,000" and insert "200,000".

On page 57, in line 17, strike "1,042,820" and insert "1,240,820".

On page 57, in line 19, strike "$483,503" and insert "$525,503".

On page 58, in line 10, strike "202,000" and insert "400,000".

On page 58, in line 13, strike "4,536,319" and insert "4,734,319".

PURPOSE: To add a new cash fund to the Military Department.

AMENDMENTS:

On page 122, in line 25, strike ";" and insert ", Civil Preparedness Cash Fund;".

PURPOSE: To increase the cash fund and personal services limitation in Program 621 — Health and Medical Care Administration for radiological health personnel and equipment for which civil preparedness funds are to be received from the Military Department.

AMENDMENTS:

On page 33, in line 27, strike "760,716" and insert "875,716".

On page 34, in line 2, strike "2,864,819" and insert "2,979,819"; in line 5, strike "1,691,803" and insert "1,716,803".

On page 35, in line 1, strike "3,122,524" and insert "3,237,524"; in line 3 strike "19,365,383" and insert "19,480,383".

PURPOSE: To increase the cash fund appropriation to the Department of Environmental Control by $172,530 due to an estimated increase in funds available in the Litter Reduction and Recycling Fund.

AMENDMENT:

On page 111, line 23, strike "377,470" and insert $550,000, in line 25, strike "3,450,048" and insert "3,622,578"; on page 112, line 20, strike "377,470" and insert "550,000", in line 22, strike "6,150,048" and insert "6,322,578".

PURPOSE: To reappropriate the unexpended June 30, 1982 General Fund balance for the State Colleges and the University of Nebraska.

AMENDMENT:

On page 75, after line 9, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 76, after line 26, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 77, after line 10, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 79, after line 10, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 81, after line 3, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 83, after line 1, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 86, after line 6, insert the following: "The unexpended General Fund belance existing on June 30, 1982, is hereby reappropriated."

After line 20, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

After line 26, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 87, after line 6, insert the following: "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1546.

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Koch amendment was adopted with 27 ayes, 11 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 573, 633, 668, 739, 751, 766, 790, 817, 852, 869, 875, and 892.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 807.

(Signed) Karen Kilgarin, Chairperson

MR. NICHOL PRESIDING

MOTION - Reconsider LB 761

Mr. Wesely moved to reconsider the Koch amendment found in the Journal on page 1546.

Messrs. R. Peterson and Duda asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely motion prevailed with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amndment to the Koch amendment:

1. On line 2, strike "19,590,562" and insert "19,403,489."

The Warner amendment was adopted with 29 ayes, 2 nays, 12 present and not voting, and 6 excused and not voting.

The Koch amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Messrs. Hefner, Sieck, Fowler, and Mrs. Marsh offered the following amendment:

(Amendments to Committee Amendments Req. 2729)

1. On page 41, line 25 strike "or" and insert an underscored comma; and in line 27, strike "operated by mental retardation regional".

2. On page 42, line 1, strike "governing boards"; and strike beginning with "operated" in line 2 through "boards" in line 3.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers renewed his pending amendment found in the Journal on page 1546.

The amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Mr. H. Peterson offered the following amendment:

Amendments to Standing Committee
Amendments (Req. #2729) to LB 761

PURPOSE: To postpone salary increases to January 1, 1983 and to direct the Revisor of Statutes and Legislative Fiscal Office to prepare adjustments to the appropriations to reflect the reduced appropriations.

AMENDMENTS

(1) On page 136, line 5, strike "October 1, 1982" and insert "January 1, 1983", line 12, strike "October 1, 1982" and insert "January 1, 1983", line 15, strike "September 30, 1982" and insert "December 31, 1982", line 18, strike "October 1, 1982" and insert "January 1, 1983", line 27, strike "October 1, 1982" and insert "January 1, 1983".

(2) On page 137, line 1, strike "October 1, 1982" and insert "January 1, 1983", line 6, strike "October 1, 1982" and insert "January 1, 1983", line 8, strike "October 1, 1982" and insert "January 1, 1983", line 11, strike "October 1, 1982" and insert "January 1, 1983", line 14, strike "October 1, 1982" and insert "January 1, 1983".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. H. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Apking
Barrett
Beyer
Chronister
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner

Voting in the negative, 20:

Beutler
Burrows
Carsten
Cope
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Rumery
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Sieck

Excused and not voting, 3:

Clark
Marvel
Schmit

Absent and not voting, 2:

Chambers
Kremer

The H. Peterson amendment lost with 23 ayes, 20 nays, 1 present and not voting, 3 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Messrs. DeCamp and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh, Messrs. Rumery, Fowler, and Warner offered the following amendment:

(Amendments to req. 2729)

1. On page 41, lines 20 and 21, strike "1,729,000" and insert "1,335,204"; and in line 23, strike "500,000" and insert "400,000".

2. On page 42, line 3, after the period insert

"During the 1982-83 fiscal year, as client vacancies become available in either residential or vocational services, the community-based services shall fill those vacancies pursuant to the intent stated in this subsection for the use of Program No. 035 funds for new placements.".

3. On page 43, lines 18, 19, and 21, strike "15,512,968" and insert "15,906,764".

4. On page 44, line 2, strike "1,111,943" and insert "1,122,103"; in line 6, strike "1,949,593" and insert "1,987,639"; in line 8, strike "836,962" and insert "844,642"; in line 12, strike "1,816,754" and insert "1,849,222"; in line 14, strike "2,400,254" and insert "2,465,469"; in line 18, strike "4,163,107" and insert "4,228,322"; in line 20, strike "2,190,129" and insert "2,124,914"; in line 24, strike "3,765,533" and insert "3,700,318"; and in line 26, strike "4,093,152" and insert "4,130,572".

5. On page 45, line 3, strike "7,159,645" and insert "7,300,793"; in line 5, strike "4,880,528" and insert "4,925,268"; in line 9, strike "8,965,380" and insert "9,147,514"; in line 11, strike "15,512,968" and insert "15,612,968"; and in line 15, strike "27,820,012" and insert "28,213,808".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 11 nays, and 14 not voting.

Mr. Von Minden asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hefner and Dworak offered the following amendment to the Marsh-Rumery-Fowler-Warner pending amendment:

In Pg. 1 line 5 strike "106,204" and insert "400,000" and recalculate the agency totals based on those same ratios.

Mrs. Apking and Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hefner requested a roll call vote on the Hefner-Dworak amendment.

Voting in the affirmative, 20:

Beyer
Burrows
Carsten
Chronister
Clark
Cope
Dworak
Fenger
Hefner
Johnson, L.
Kahle
Koch
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Wagner
Wiitala

Voting in the negative, 19:

Barrett
Beutler
Chambers
Duda
Fowler
Haberman
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Pirsch
Rumery
Sieck
Stoney
Vickers
Warner
Wesely

Present and not voting, 3:

Goll
Goodrich
Higgins

Excused and not voting, 6:

Apking
Cullan
DeCamp
Marvel
Schmit
Von Minden

Absent and not voting, 1:

Newell

The Hefner-Dworak amendment lost with 20 ayes, 19 nays, 3 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Marsh requested a roll call vote on the Marsh-Rumery-Fowler-Warner amendment:

Voting in the affirmative, 23:

Barrett
Beutler
Chambers
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Marsh
Newell
Pirsch

Rumery	Stoney	Wagner	Wesely
Sieck	Vickers	Warner	Wiitala

Voting in the negative, 15:

Burrows	Duda	Hefner	Kremer	Peterson, H.
Carsten	Dworak	Johnson, L.	Lamb	Peterson, R.
Clark	Fenger	Kahle	Nichol	Remmers

Present and not voting, 4:

Beyer	Chronister	Cope	Goll

Excused and not voting, 6:

Apking	DeCamp	Schmit
Cullan	Marvel	Von Minden

Absent and not voting, 1:

Landis

The Marsh-Rumery-Fowler-Warner amendment lost with 23 ayes, 15 nays, 4 present and not voting, 6 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1982, at 3:40 p.m., were the following bills: 633 and 790.

Presented to the Governor on April 1, 1982, at 3:50 p.m., were the following bills: 573, 668, 739, 751, 766, 817, 852, 869, 875, and 892.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINIONS

Opinion No. 235
April 1, 1982

Dear Senator DeCamp:

You have submitted to us a revised amendment to LB 816, in an attempt to answer some of the questions we raised in our Opinion No.

230 about the interpretation of your previous proposed amendment. You ask for an immediate response as to whether this meets constitutional requirements of clarity which precludes our giving it the careful study we might like.

Your amendment would make Sections 1 to 5 and 11 of the bill operative only if the Nebraska Supreme Court rules that Neb.Rev.Stat. §§77-3611 to 77-3615 are unconstitutional. Sections 3, 4, and 5 of the bill amend Neb.Rev.Stat. §§77-27,136, 77-27,137, and 77-27,137.01 (Supp. 1980), respectively, and Section 11 repeals the original sections. Under your amendment it is not just the distribution of funds pursuant to Sections 1 to 5 of the bill that would be held in abeyance, but the enactment of the new sections (Sections 1 and 2) and the amendment of existing sections of the statutes. Therefore, the original sections would continue in force until the action of the Supreme Court holding Neb.,Rev.Stat. §§77-3611 to 77-3615 unconstitutional, and the old sections would be amended, and Sections 1 and 2 of LB 816 would become operative on the date of the finality of the Supreme Court's opinion.

Making the enactment of new sections, and the amendment of old sections, of the statutes contingent upon some event, such as a decision of a court, is certainly a very unusual procedure, if not unprecedented. It is a change from the proposal we considered in our Opinion No. 230, which dealt only with distributions under Sections 1 to 5 of the bill. While we have had no opportunity to research the matter, and, in any event, are unlikely to find any clear precedent, we have serious doubts as to the propriety of such a provision.

Making the operation or application of a statute contingent upon a future ascertainable event, could, in our opinion, be sustained, as we indicated in our Opinion No. 230. Making the enactment of the statute, or the amendment of old sections of the statutes, contingent upon a future event is another matter. While we cannot, in the time frame you have specified for an answer to your letter, reach any definite conclusion about such a provision, we are not prepared at this time to undertake to defend it. This may be one step too far for the court, which may hold this amendment to be an unconstitutional delegation of legislative powers.

Your amendment would make the operative date of Sections 1 to 5 and 11 of the bill "the date the Clerk of the Supreme Court certifies that the Nebraska Supreme Court's decision has become final." There is no such date. The Clerk of the Supreme Court does not certify as to the finality of the court's decisions. The normal practice of the clerk is to issue the mandate the day after the expiration of the time for filing a motion for rehearing. Even after that, however, the rules provide that the mandate can be recalled up to the time the district court takes action on the mandate. While recalling the mandate would be unusual, we suppose that, as a theoretical proposition, the decision would not be absolutely final until the district court had entered an order based on the mandate. You should clarify what date you intend to use, because the date of certification of finality by the clerk is not satisfactory.

Your amendment would delay, and make contingent, the operative dates of only Sections 1 to 5 and 11 of the bill. However, Section 12 of the bill, under your amendment, would repeal Neb.Rev.Stat. §§77-3612 and 77-3613 outright on the effective date of the bill. Yet, if Neb.Rev.Stat. §§77-3611 to 77-3613 are held constitutional, you propose to distribute money pursuant to these repealed sections. There appears to be some confusion here, which should be cleared up.

Your new amendments have answered some of the questions we raised in our former opinion. It makes clear that, if the court holds them constitutional, $82,600,000, instead of $70,000,000, would be distributed under Neb.Rev.Stat. §§77-3611 to 77-3615, which was previously uncertain. It also provides that no distribution would be made under either formula until the Supreme Court rules, which clears up other uncertainties we pointed out.

As we said in the last paragraph of Opinion No. 230, there may be other areas of uncertainty which we have not detected, which may come up when the bill, as you propose to amend it, is implemented. This is a complex arrangement, and we are not certain we have considered all of its ramifications. Before reaching a final conclusion on the question, we would want to sit down with the officials charged with implementing the bill, and make sure there were no unanswered questions. We have not had time to do so.

We seriously question the propriety of making the amendment of sections of the statutes, and the enactment of new statutes, contingent upon the decision of the court. The date for determining the finality of the court's decision is not sufficiently specific. The repeal of Neb.Rev.Stat. §§77-3612 and 77-3613 by Section 12 of the bill seems to destroy the whole scheme of your amendment.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG/cmb/th10
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 236
April 1, 1982

Re: LB 127

Dear Senator Sieck:

This is in response to your letter concerning our Opinion No. 225 dated March 23, 1982, regarding LB 127.

We are in agreement with the statement in your letter that "[i]t is the intent of this bill that no General Funds be used to operate the State Survey Record Repository in any way." That was the import of our Opinion No. 225.

If there is volunteer labor to implement LB 127, as you suggest, that should go a long way toward getting the program started.

We cannot, of course, say at this time whether or not there will be funds from other appropriations which will be available for this program, since the appropriations for next year have not yet been finalized. However, with the shortage of funds and the intense debate over them which is the order of the day, we would expect to see close scrutiny over the use of all funds to insure that they are not diverted from the specific purpose for which appropriated.

If you have any further questions, please contact us.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 237
April 1, 1982

Dear Senator Warner:

This is in reply to your inquiry concerning the constitutionality of LB 893. In your letter you refer to four cases decided by the Supreme Court of Nebraska regarding laws similar to LB 893 which were not included in our opinion of March 12, 1982.

We are familiar with the cases you have referred to, and many others, which stand for the same proposition as set forth in the Lincoln Dairy case referred to in our previous opinion. In fact in cases where attempts to fix prices have been before our Supreme Court since the Lincoln Dairy case was decided that case has been cited by the court as authority for the propositions that the Legislature may not delegate its powers to an administrative agency nor indulge in arbitrary price fixing or destruction of lawful competition.

In our opinion the decisions which you referred to do not make the constitutionality of LB 893 any less suspect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Mr. Carsten and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 761. Considered.

Mr. Burrows offered the following amendment to LB 761:

Amendment to Appropriations Committee Amendment
(Req. 2729) to LB 761

PURPOSE: To reduce the appropriation for the Governor's Office, Lt. Governor's Office, Secretary of State, Auditor of Public Accounts, Attorney General, State Treasurer and Public Service Commission by the amount Senator Goodrich said those agencies could absorb in their budgets to finance salary increases for those constitutional officers.

AMENDMENT:

1. On page 5, in lines 16 and 17, strike "251,817" and insert "246,217"; on page 6, in lines 7 and 8, strike "281,817" and insert "276,217".
2. On page 6, in lines 13 and 14, strike "23,422" and insert "18,942".
3. On page 6, in lines 25 and 26, strike "213,316" and insert "208,836"; on page 8, in line 3, strike "695,708" and insert "691,228"; in line 6, strike "1,128,768" and insert "1,124,288".
4. On page 8, in lines 12 and 13, strike "71,061" and insert "66,581"; on page 9, in line 9, strike "1,282,339" and insert "1,277,859"; in line 11, strike "1,707,979" and insert "1,703,499".

5. On page 9, in lines 16 and 17, strike “1,064,628” and insert “1,059,868”; on page 10, in lines 6 and 7, strike “1,128,805” and insert “1,124,045”.

6. On page 11, in lines 5 and 6, strike “205,101” and insert “200,621”; in line 16, strike “81,305,101” and insert “81,300,621”; in line 18, strike “81,422,117” and insert “81,417,637”.

7. On page 19, in lines 13 and 14, strike “1,221,897” and insert “1,216,297”; in lines 19 and 20, strike “1,235,904” and insert “1,230,304”.

Mr. L. Johnson moved to adjourn.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Koch requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 17:

Barrett
Beyer
Burrows
Chronister
Clark
Cope
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Kremer
Peterson, H.
Peterson, R.
Remmers
Wagner

Voting in the negative, 21:

Beutler
Dworak
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Lamb
Newell
Nichol
Pirsch
Rumery
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Duda

Excused and not voting, 8:

Apking
Carsten
Cullan
DeCamp
Marsh
Marvel
Schmit
Von Minden

Absent and not voting, 2:

Chambers
Landis

The motion to adjourn lost with 17 ayes, 21 nays, 1 present and not voting, 8 excused and not voting, and 2 absent and not voting.

Messrs. Landis and V. Johnson asked unanimous consent to be excused. No objections. So ordered.

The Burrows pending amendment was renewed.

Mr. Burrows requested a record vote on his pending amendment.

Voting in the affirmative, 13:

Beutler
Burrows
Fowler
Higgins
Kilgarin
Koch
Labedz
Newell
Pirsch
Rumery
Vickers
Wesely
Wiitala

Voting in the negative, 21:

Beyer
Chronister
Clark
Cope
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Wagner
Warner

Present and not voting, 5:

Barrett
Chambers
Hoagland
Kahle
Sieck

Excused and not voting, 10:

Apking
Carsten
Cullan
DeCamp
Johnson, V.
Landis
Marsh
Marvel
Schmit
Von Minden

The Burrows amendment lost with 13 ayes, 21 nays, 5 present and not voting, and 10 excused and not voting.

Messrs. Wesely, Warner, Rumery, Remmers, and Haberman offered the following amendment:

1. Insert the following new section:

"Sec. 131. Agency 51 - University of Nebraska at Lincoln, Program 912. The Board of Regents of the University of Nebraska is hereby authorized to develop a program statement for the renovation of Morrill Hall on the Lincoln Campus including upgrading of the mechanical system to ensure adequate claimate control for the protection and preservation of the exhibits of the museum.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 7 nays, 6 present and not voting, and 11 excused and not voting.

Mr. Wesely offered the following amendment:

(Amendments to the Standing Committee amendments, Req. 2729)

1. On page 72, after line 5 insert "General Fund 170,000"; in line 7 strike "600,000" and insert "770,000"; in line 9 after "aid" insert "to postsecondary students"; in line 13 strike "and" and after the second "Colleges" insert ", and Postsecondary Education Coordinating Commission"; in line 15 after "amounts" insert "for eligible students attending the following postsecondary institutions"; and after line 18 insert "(d) Other postsecondary institutions 170,000".

2. On page 73, line 2, strike "137,161" and insert "307,161"; and in line 5 strike "757,661" and insert "927,661".

Mr. Chronister moved to adjourn. The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. Kahle and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved to adjourn. The motion lost with 14 ayes, 18 nays, and 17 not voting.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

The Wesely pending amendment lost with 11 ayes, 16 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Lamb moved to adjourn. The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers offered the following amendment to LB 761:

(Standing Committee Amendments)
Request #2729

PURPOSE: To delete $495,000 for renovation of legislative space.

AMENDMENT:

1. On page 140, strike beginning with "and" in line 26, through line 27. On page 141, strike lines 1 through 11.

2. On page 147, in line 10, insert after the period "Of the undisbursed balance existing on June 30, 1982, in Program 908, $325,000 is hereby lapsed."

Mr. Vickers requested a record vote on his amendment.

Voting in the affirmative, 20:

Barrett
Beutler
Burrows
Cope
Fowler
Goodrich
Higgins
Kilgarin
Koch
Labedz
Newell
Nichol
Remmers
Rumery
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 12:

Beyer
Chambers
Chronister
Dworak
Fenger
Goll
Haberman
Hefner
Hoagland
Johnson, L.
Lamb
Peterson, R.

Present and not voting, 2:

Duda
Wagner

Excused and not voting, 15:

Apking
Carsten
Clark
Cullan
DeCamp
Johnson, V.
Kahle
Kremer
Landis
Marsh
Marvel
Peterson, H.
Pirsch
Schmit
Von Minden

The Vickers amendment lost with 20 ayes, 12 nays, 2 present and not voting, and 15 excused and not voting.

Mr. Hefner moved to adjourn.

Mr. Hefner moved for a Call of the House. The motion lost with 12 ayes, 16 nays, and 21 not voting.

The motion to adjourn lost with 16 ayes, 17 nays, and 16 not voting.

Messrs. Wagner and Hefner offered the following amendment:
Amendment to LB 761 as Amended
By Committee Amendments on March 23, 1982
Purpose: To increase the Cash Fund appropriation to Agency 25 - the Department of Public Institutions, Program 519 - the Veterans' Homes, to maintain current member census.

Amendment:

On page 46 in line three strike "8,133,282" and insert "8,587,877"; in line 4 strike "11,531,821" and insert "11,986,416"; in line 10 strike "14,842,800" and insert "15,297,395"; in line 12 strike "86,023,835" and insert "86,478,430".

The amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Mr. Haberman offered the following amendment:

Increase Region II Mental Retardation budget from 836,962 to 864,962 and reduce
Region III from 2,400,254 to 2,386,254
Region IV from 2,190,129 to 2,176,129

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 13:

Burrows
Chambers
Duda
Goodrich
Higgins
Hoagland
Labedz
Newell
Nichol
Remmers
Rumery
Vickers
Wesely

Voting in the negative, 17:

Beutler
Beyer
Chronister
Cope
Dworak
Fowler
Goll
Haberman
Hefner
Johnson, L.
Kilgarin
Lamb
Peterson, R.
Sieck
Stoney
Wagner
Warner

Present and not voting, 4:

Barrett
Fenger
Koch
Wiitala

Excused and not voting, 15:

Apking
Carsten
Clark
Cullan
DeCamp
Johnson, V.
Kahle
Kremer
Landis
Marsh
Marvel
Peterson, H.
Pirsch
Schmit
Von Minden

The Haberman amendment lost with 13 ayes, 17 nays, 4 present and not voting, and 15 excused and not voting.

Mr. Goll moved to adjourn. The motion lost with 13 ayes, 17 nays, and 19 not voting.

Mr. Burrows offered the following amendment:

(Standing Committee Amendments
Request #2729)

On page 41, strike beginning with "The" in line 25 through line 27; on page 42, line 1, strike "governing boards or".

The amendment lost with 8 ayes, 16 nays, 10 present and not voting, and 15 excused and not voting.

Mr. Fowler requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Barrett
Beutler
Beyer
Burrows
Chambers
Cope
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Kilgarin
Koch
Labedz
Newell
Nichol
Peterson, R.
Remmers
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 8:

Chronister
Duda
Goll
Haberman
Hefner
Johnson, L.
Lamb
Stoney

Excused and not voting, 15:

Apking
Carsten
Clark
Cullan
DeCamp
Johnson, V.
Kahle
Kremer
Landis
Marsh
Marvel
Peterson, H.
Pirsch
Schmit
Von Minden

Advanced to E & R for Engrossment with 26 ayes, 8 nays, and 15 excused and not voting.

VISITORS

Visitors to the Chamber were 41 fifth grade students, sponsors, and teacher from Doniphan; 84 fourth grade students, sponsors, and teachers from Gretna; 45 fourth, fifth, and sixth grade students and teachers from Wilcox; 6 eighth grade students and teacher from Albion St. Michaels; Mr. and Mrs. Kenneth Rhoades from Blair; 50 students and teachers from Goodrich Jr. High, Lincoln; Cindy Hefner, Senators Hefner's daughter, and Patricia Moscrey from Omaha; and 37 eighth grade students and teacher from Holy Ghost School, Omaha.

ADJOURNMENT

At 6:23 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:30 a.m., Monday, April 5, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 5, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 5, 1982

Pursuant to adjournment, the Legislature met at 9:35 a.m., Mr. Lamb presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Beutler, Burrows, Fowler, Hoagland, Newell, Schmit, Miss Kilgarin, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

SELECT COMMITTEE REPORT
Rules

The Rules Committee met Thursday, April 1, 1982 where it was moved to indefinitely postpone the rule change proposed by Senator Vickers, relating to priority bills (Rule 5, Section 6 (c)). This motion passed by a vote of 4 to 0.
VOTE: For: Wesely, Sieck, Kahle, Newell. Against: none. Absent: Beutler.

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORT
Education

The Education Committee desires to report favorably to the members of the Nebraska Unicameral upon the Gubernatorial Appointments listed below which were considered at a public hearing on Wednesday, March 31, 1982. The Education Committee suggests the appointments be confirmed by the members of the Nebraska Legislature.

Safety Center Advisory Council
  Jack Buist
  Don Cattle
  Lorraine Giles
  Dr. Kenneth Kimball
  E. L. Laird
  John J. Peterson
  Ken Sieckmeyer

Voting aye: Senators Koch, Goll, Vickers, Wiitala, and Beutler. Absent and not voting: Senators Hoagland, Kremer, Lamb.

(Signed) Jerry D. Koch, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

1. Strike original section 1 and insert the following new section:

"Section 1. That section 71-177, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-177. For the purposes of this act, ~~the following classes of persons shall be deemed to be engaged in the practice of chiropractic: (1) Persons publicly professing to be chiropractors, or publicly professing to assume the duties incident to the practice of chiropractic; and (2) persons who treat human ailments by the adjustment by hand of any articulation of the spine.~~ the practice of chiropractic shall mean a system of therapy based on the premise that the relationship between the structural integrity of the spinal column and function in the human body is a significant health factor and that the normal transmission of nerve energy is essential to the restoration and maintenance of health.

The practice of chiropractic shall include the practices and procedures of examination of the spine and procedures resulting from chiropractic clinical findings accepted by the Board of Examiners in Chiropractic, as a basis for the adjustment of the spinal column for the correction of nerve interference and articular malalignment. Chiropractic care shall be conducted with due regard for nutrition, environment, hygiene, sanitation, and rehabilitation, designed to exist in the respiration and maintenance of neurological integrity and homeostatic balance.

Nothing in this section shall be construed to authorize any of the following practices or procedures:

(1) Prescribing of drugs;

(2) Performing major or minor surgery;

(3) Penetrating the skin with a needle or any other instrument;

(4) Practicing any branch of medicine and surgery or osteopathy;

(5) Use of colonic irrigators;

(6) X-ray of any organ other than the skeletal system;

(7) Treating or attempting to prevent, cure, or relieve a human disease, ailment defect, complaint, or other condition in any manner other than as authorized by this section; or

(8) Invasive diagnostic tests or analysis of body fluid. Invasive shall mean any procedure involving penetration of the skin or any bodily orifice, whether by hand or by any device, except that this subdivision shall not preclude the use of superficial visual examination.".

ATTORNEY GENERAL'S OPINION

Opinion No. 240
April 2, 1982

Dear Senator Chambers:

This is in response to your letter of March 22, 1982, inquiring as to the necessity of the Legislature reaffirming its continuing assent to various federal laws relative to highways.

In your letter, you refer to Neb.Rev.Stat. §§39-1304, 39-1304.01 and 39-1304.03 (Reissue 1978). Section 39-1304 makes reference to "Section 1 of the Act of Congress approved July, 1916, Public Law 156". Section 1 of this Act of Congress provided in part:

> That the Secretary of Agriculture is authorized to cooperate with the states, through their respective State Highway Departments, in the construction of Rural Post Roads, but no money apportioned under this Act to any state shall be expended therein until its legislature shall have assented to the provisions of this Act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the Governor of the state shall be sufficient. . . .

In 1917, the Legislature complied with the assent required by the foregoing Federal Highway Act of 1916. Laws of Nebraska 1917, Chapter 185 (House Roll No. 722), page 420, in section 1 provided:

> Assent is hereby given to the provisions of an Act of Congress entitled "An act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes" approved July 11, 1916, and the good faith of the state is hereby pledged to provide funds sufficient to carry out the provisions of said Act.

This provision appears in the Compiled Statutes of Nebraska, 1929. However, it does not appear in the Compiled Statutes of Nebraska, 1922, nor the Revised Statutes of Nebraska, 1943. The next time any Legislative assent was given to the Federal Highway Act of 1916, or to any other Federal Highway Acts or law, was in 1955 and is that provided in Neb.Rev.Stat. §39-1304 (Reissue 1978). In 1957 and 1961, the legislature reaffirmed its continuing assent to the federal acts set forth in section 39-1304. These appear as sections 39-1304.01 and 39-1304.03 (Reissue 1978).

As can be seen, the Legislature's assent to the Federal Highway Act of 1916 and subsequent amendments has been sporadic. Amendments, prior to 1958, to the Federal Highway Act of 1916 made no additional provisions for Legislative assent by the states.

The Act of Congress approved August 27, 1958, Public Law 85-767 provided that the laws relating to highways are revised, codified and reenacted as Title 23, United States Code, "Highways". Section 2 of Public Law 85-767, August 27, 1958, repealed the Federal Highway Act of 1916. There was no provision in Public Law 85-767 requiring Legislative assent to Federal Highway Acts, nor have any appeared in Title 23 to the present time.

In conclusion, we are of the opinion that there is not, and has not been, any Federal Highway Act requiring the assent of State legislatures to Federal Highway Acts subsequent to August 27, 1958.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) John P. Regan
Assistant Attorney General

JPR/ta
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

March 30, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 208 was received in my office on March 24, 1982.

This bill was signed by me on March 29, 1982 and delivered to the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 1, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 633 and 790 were delivered to my office today.

These bills were signed April 1, 1982 and filed with the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 1, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 428 and 571 were received in my office March 31, 1982.

These bills were signed by me on April 1, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 970 and 970A.

(Signed) Karen Kilgarin, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 293.

Introduced by Higgins, 9th District; Labedz, 5th District.

WHEREAS, the Forensics Team of the University of Nebraska, Lincoln, competed on March 18 in the Delta Sigma Rho-Tau Kappa Alpha National Forensics Tournament in Lubbock, Texas; and

WHEREAS, the Nebraska collegiate team distinguished itself in forensic competition with colleges from across the nation, outpacing its nearest opponent by a forty-point margin; and

WHEREAS, in recognition of outstanding excellence in forensic competition, the Nebraska team was awarded the tournament's Sweepstakes Trophy.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, That the Legislature commends and congratulates the University of Nebraska-Lincoln Forensic Team and its Director, Dr. Jack Kay, for its tournament championship in national competition.

Laid over.

LEGISLATIVE RESOLUTION 294.

Introduced by Constitutional Revision and Recreation Committee: Labedz, 5th District, Chairperson; Vickers, 38th District; Apking, 32nd District; Pirsch, 10th District; Higgins, 9th District; Carsten, 2nd District; H. Peterson, 35th District.

Purpose:

The purpose of this resolution is to study whether the citizens of the state of Nebraska would be better served if its Public Service Commissioners were appointed rather than elected. The study should also analyze the Commission's present operations and its rules and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 295.

Introduced by Rumery, 42nd District.

WHEREAS, the contribution of Native Americans to the history of Nebraska and the Great Plains is substantial and deserving of recognition; and

WHEREAS, the Unknown Indian Monument, located at Sioux Lookout in Lincoln County, Nebraska, has stood for half a century as a reminder of that contribution; and

WHEREAS, Native Americans continue to contribute a great deal to the present and future of Nebraska; and

WHEREAS, the Preservation of the Unknown Indian Committee has been formed to restore and preserve the monument and has designated May 30, 1982, as Unknown Indian Day.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages Nebraskans to observe Unknown Indian Day on May 30 and urges all citizens to support the committee's efforts to restore and preserve the monument.

2. That the Legislature encourages Nebraskans to acknowledge and honor the role that Native Americans have played and continue to play in the development of this state.

Laid over.

MR. CLARK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 520A. Title read. Considered.

Mr. V. Johnson offered the following amendment:

1. On page 2, line 2, strike "49,250" and insert "48,700"; in line 3, strike "52,695" and insert "52,105"; in line 26, strike "70,620" and insert "3,530"; and in line 27, strike "75,563" and insert "3,780".

2. Strike original section 2.

3. On page 3, line 7, strike "61,000" and insert "3,300"; and in line 8, strike "65,300" and insert "3,500".

4. Renumber original section 3 as section 2.

The amendment was adopted with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler
Chambers
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner

Present and not voting, 1:

Cope

Excused and not voting, 3:

Burrows
Marvel
Pirsch

Failed to advance to E & R for Review with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 835A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 953A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #2940

1. Insert the following new section:

"Sec. 2. That section 39-6,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,128. (1) Every new motor vehicle or semitrailer purchased after January 1, 1956, and operated on any highway in this state shall be equipped with fenders, covers, or devices, including flaps or splash aprons, unless the body of the vehicle affords adequate protection to effectively minimize the spray or splash of water or mud to the rear of the motor vehicle or semitrailer.

(2) The rear semitrailer of any truck-tractor and semitrailer combination in excess of sixty-five feet in

length and operated on any highway in this state shall be equipped with anti-sail aprons.

(3) Any person violating the provisions of subsection (1) or (2) of this section shall, upon conviction thereof, be fined in a sum not less than ~~ten~~ fifty dollars nor more than ~~one~~ three hundred dollars.".

2. In E and R amendment number 2, line 3, strike "39-644" and insert "sections 39-664 and 39-6,128"; and in line 4 strike the first "section" and strike the second "section" and insert "original".

3. In E and R amendment number 3, line 2, strike "39-644" and insert "sections 39-664 and 39-6,128"; in line 3 strike the first "section" and strike the second "section" and insert "amend"; and in line 6 after the semicolon insert "to require certain equipment; to change a penalty;".

3. Renumber remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

Req. #2873

1. Insert the following new section:

"Sec. 6. (1) It is the intent of the Legislature that no school district, technical community college area, incorporated municipality, or county shall receive less money pursuant to sections 77-27,136 to 77-27,137.01 and sections 1 and 2 of this act in any fiscal year commencing on or after July 1, 1982, than it received pursuant to sections 77-27,136 to 77-27,137.01 and 77-3605 to 77-3609 in fiscal year 1981-82.

(2) The Legislature shall annually appropriate to the Supplemental Aid Fund, which is hereby created, the amount necessary to make the expenditures required under subsection (4) of this section. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

(3) On or before November 1, 1982, the county treasurer of each county shall certify to the Department of Administrative Services (a) the amount distributed by him or her to each school district, technical community college area, and incorporated municipality located in whole or in part within the county and (b) the amount deposited to the general fund of the county pursuant to sections 77-3605 to 77-3609 in fiscal year 1981-82. On or before November 1, 1982, and each November 1 thereafter, the State Department of Education shall certify to the Department of Administrative Services the amount to be received by each school district pursuant to

section 1 of this act during that fiscal year. On or before November 1, 1982, the Tax Commissioner shall certify to the Department of Administrative Services the amount received by each incorporated municipality and county pursuant to sections 77-27,136 to 77-27,137.01 in fiscal year 1981-82.

(4) Commencing in November, 1982, the Department of Administrative Services shall determine the amount to be paid to each school district, technical community college area, incorporated municipality, and county pursuant to sections 77-27,136 to 77-27,137.01 and sections 1 and 2 of this act and the amount paid to each such district, area, municipality, and county pursuant to sections 77-27,136 to 77-27,137.01 and 77-3605 to 77-3609 in fiscal year 1981-82. If the amount of aid to be received in the current fiscal year by any such district, area, municipality, or county is less than the amount received in fiscal year 1981-82, such district, area, muncipality, or county shall receive the difference in such amounts from the Supplemental Aid Fund. Such amount shall be paid in nine equal installments commencing in November, 1982, and each November thereafter. The Director of Administrative Services shall, upon notification by the State Treasurer that sufficient funds are available for payment in the Supplemental Aid Fund, draw warrants on vouchers presented by the budget division of the Department of Administrative Services against funds appropriated to the Supplemental Aid Fund and deliver such warrants to the various school districts, technical community college areas, incorporated municipalities, and counties which are eligible to receive such funds.".

2. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 967. Advanced to E & R for Engrossment.

The Chair declared the Call raised.

LEGISLATIVE BILL 760. Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 677. No objections. So ordered.

Messrs. Clark and Wesely renewed their pending amendment, Req. #2842, printed separate from the Journal and referred to on page 1264.

The amendment lost with 3 ayes, 23 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 753. Messrs. Landis and DeCamp renewed the pending amendment found in the Journal on page 1459.

Mr. Warner offered the following amendment to the Landis-DeCamp amendment:

Page 1459 by striking "one" and insert "two" in lines 4; 13; and 15.

The Warner amendment was adopted with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

The Landis-DeCamp amendment, as amended, was adopted with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

(Amendments to the Standing Committee amendments, Req. 2729)

1. On page 72, line 9, after "aid" insert "to postsecondary students"; in line 13 strike "and", and after the second "Colleges" insert ", and Postsecondary Education Coordinating Commission"; in line 15, after "amounts" insert "for eligible students attending the following institutions"; in line 16 strike "210,590" and insert "140,445"; in line 17 strike "111,040" and insert "74,054"; in line 18 strike "38,767" and insert "25,854"; and after line 18 insert "(d) Other postsecondary institutions 120,044".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

(Amendments to Req. 2835)

1. On page 2, line 6, after "Office" insert "for the purpose of carrying out sections 22 to 48 of this act and".

2. On page 8, line 16, strike "residential".

3. On page 9, lines 6 and 13, strike "living" and insert "habitable"; and in line 27 strike "residence" and insert "structure".

4. On page 10, line 1, strike "residential" and insert "primary"; and strike line 11 and insert "form.".

5. On page 12, line 5, strike "A resident" and insert "An", and strike "of this state".

ATTORNEY GENERAL'S OPINION

Opinion No. 241

April 2, 1982

Dear Senator Beutler:

For the purpose of determining whether legislative action is required, you ask whether political subdivisions, particularly technical community colleges, are authorized to purchase "retail repurchase certificates" offered by Mutual Federal Savings and Loan Associations. We conclude that they are not.

As you explain "retail repurchase certificates," they are instruments issued pursuant to 12 U.S.C. §1464(b)(2), which provides:

> To such extent as the Board may authorize by regulation or advice in writing, an association may borrow, may give security, may be surety as defined by the Board and may issue such notes, bonds, debentures, or other obligations, or other securities (except capital stock) as the Board may so authorize.

You quote some regulations of the board apparently implementing this statutory provision. As we understand it, the retail repurchase certificates involve a borrowing by the association from the holder of the certificate. The certificates are not insured by the Federal Savings and Loan Insurance Corporation, but are secured. The holder does not become a member of the association.

We immediately confront the question of a violation of Article XIII, Section 3 of the constitution, which provides in part: "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state."

Article XV, Section 17 provides that, notwithstanding Article XIII, Section 3, or any other provision of the constitution, the Legislature may provide for the investment of any state funds in such investments as it may by statute provide. That section also provides that the Legislature may authorize the governing body of political subdivisions to invest the retirement and pension funds of such political subdivisions in such investments as the governing bodies may determine, but subject to statutory limitations. The prohibition of Article XIII, Section 3 was held to apply to political subdivisions as well as to the state in State ex rel. Beck v. City of York, 164 Neb. 223, 82 N.W.2d 269 (1957). Therefore, except as to retirement and pension funds, the Legislature could not authorize political subdivisions to lend their credit in aid of any association, including a savings and loan association. Lending the association money, as would be involved in the certificates in question, would, in our opinion, constitute the lending of credit, in violation of Article XIII, Section 3.

We also question the statutory authority of political subdivisions to make this sort of investment. It is true that Neb.Rev.Stat. §77-2341 (Reissue 1976) provides that political subdivisions may invest surplus funds in "any securities in which the Board of Educational Lands and Funds is authorized by law to invest the educational funds of the state." It is also true that Neb.Rev.Stat. §72-202 (Reissue 1976) requires the funds of the Board of Educational Lands and Funds to be invested by the State Investment Officer pursuant to §§72-1237 to 72-1259, and that Neb.Rev.Stat. §72-1246 (Supp. 1981) authorizes the State Investment Officer to "invest in investments of the nature which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another." The argument of the savings and loan industry has been that this gives similar authority to political subdivisions of the state. We reject that argument. The issue is too complex to be fully discussed herein, but basically our position is that when §72-2341 was adopted, authorizing the political subdivisions to invest in securities authorized to the Board of Educational Lands and Funds, it incorporated by reference the statutory provisions dealing with the investment authority of that board. Those provisions became a part of §72-2341 just as though they had been set forth verbatim in that section.

Section 77-2341 was last amended in 1961. Therefore, to determine what investments it authorized, we must look to the statutory investment authority of the Board of Educational Lands and Funds in 1961. Suffice it to say that it did not include any such investments as we are talking about, and, indeed, could not have included such authority before the adoption of Article XV, Section 17 of the constitution in 1966.

The subsequent amendment of sections of the statutes changing the investment powers of the Board of Educational Lands and Funds did not operate to amend §77-2341, which had incorporated statutory provisions as they then existed. See Shull v. Barton, 58 Neb. 741, 79 N.W. 732; Knoefler Honey Farms v. County of Sherman, 193 Neb. 95, 225 N.W.2d 855 (1975); Estate of Tethrow v. State, 193 Neb. 150, 226 N.W. 2d 116 (1975); and Hanson v. City of Omaha, 157 Neb. 768, 61 N.W.2d 556 (1953). We are reinforced in this position by the fact that if the Legislature were to specifically give political subdivisions the broad investment powers indicated in §72-1246 it would clearly be unconstitutional, in authorizing investments in stocks of corporations, in violation of Article XI, Section 1 of the constitution. See Nebraska League of Savings and Loan Associations v. Mathes, 201 Neb. 122, 266 N.W. 2d 720 (1978).

The picture, so far as statutory authorization is concerned, is somewhat different with respect to technical community colleges. Neb.Rev.Stat. §79-2644(15) (Supp. 1980) authorizes the boards of technical community colleges to invest funds of the colleges in those types of securities set forth in subdivisions (1) to (10) of §72-1246. This provision makes it perfectly clear that the designated provisions of §72-1246, as they existed at the time of the adoption of that language in §79-2644, were incorporated by reference in the latter section, and that later amendments were not incorporated, since there are now no subdivisions (1) to (10) of §72-1246. This is entirely consistent with our previous discussion on incorporation by reference.

We have examined Neb.Rev.Stat. §72-1246 (Reissue 1976), and believe that none of the first ten subdivisions of that section would authorize the investment in question. There may be some question about subdivision 10, which authorizes investments in interest-bearing obligations of corporations having a rating of AAA, AA, or A, but we believe that no savings and loan associations in this state have such ratings.

We note, incidently, that subdivision 9 would authorize investments in accounts with savings and loan associations. So far as political subdivisons, including technical community colleges, are concerned, this would be in violation of the constitution, as held in Nebraska League of Savings and Loan Associations v. Mathes, supra.

It is therefore our conclusion that the investments you inquire about are forbidden to political subdivisions, including technical community colleges, by Article XIII, Section 3 of the constitution, and we also believe that they lack statutory authority to make such investments, in any event.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
f1
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 753. Mr. Cullan renewed his pending amendment found in the Journal on page 1493.

The Cullan amendment was adopted with 27 ayes, 8 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Wesely renewed his pending amendment, Req. #2901, found in the Journal on page 1550.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 10:

Chambers
Dworak
Fowler
Higgins
Johnson, V.
Kilgarin
Nichol
Remmers
Stoney
Wesely

Voting in the negative, 31:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Koch
Labedz
Lamb
Landis
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Vickers
Von Minden
Wagner
Wiitala

Present and not voting, 6:

Beutler
Kremer
Marsh
Newell
Schmit
Warner

Excused and not voting, 2:

Burrows
Marvel

The Wesely amendment lost with 10 ayes, 31 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

There shall be levied and imposed a tax on all tobacco products, excepting cigarettes, to include pipe tobacco, cigars, chewing tobacco and snuff at 18% of the wholesale value. Provided, this provision in no way alters the cent per package tax on cigarettes.

The Dept. of Revenue shall be responsible for the implementation and collection of this tax.

The Chambers amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

COMMUNICATION

April 5, 1982

Dear Mr. President and Senators:

I am back in Hastings and resting well. I sincerely regret that I'll be unable to join you for the waning days of the session, however by Doctor's order I am compelled to rest.

I want to thank you for the support you have given me in this difficult time — your cards and calls have been most appreciated.

I also want to thank you for the support and cooperation you have given me the past four years as your Speaker, and I ask, in my absence, that you extend this courtesy to Senator Lamb as he executes the duties of my office.

I grant you that my thoughts and prayers are with you as you struggle through the remaining days of the 87th Legislative Session.

(Signed) Speaker R. D. Marvel

SELECT FILE

LEGISLATIVE BILL 757. Mr. Warner renewed his first pending amendment found in the Journal on page 1500.

The first Warner amendment was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Mr. Warner renewed his pending amendment, Req. #2912, found in the Journal on page 1541.

The Warner amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his second pending amendment found in the Journal on page 1500. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
Amend LB 757 by striking the new language in line 5, page 4 and reinserting the old language.

Mr. Beutler moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler
Chambers
Cullan
Dworak
Fowler
Higgins
Hoagland
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Pirsch
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 27:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kremer
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Von Minden
Wagner
Warner

Excused and not voting, 3:

Burrows
DeCamp
Marvel

The Beutler amendment lost with 19 ayes, 27 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler asked unanimous consent to withdraw his pending amendment, Req. #2914, found in the Journal on page 1542. No objections. So ordered.

Mr. Fowler renewed his pending amendment found in the Journal on page 1543.

Mr. Fowler asked unanimous consent to withdraw his pending amendment found in the Journal on page 1543. No objections. So ordered.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 296.

Introduced by Wiitala, 31st District, DeCamp, 40th District.

WHEREAS, in certain cases the State of Nebraska exercises guardianship over children through the Department of Welfare; and

WHEREAS, certain unethical actions in the exercise of that guardianship have been alleged; and

WHEREAS, the Department has admitted mishandling at least one case; and

WHEREAS, the Department has been dilatory in sharing documentation of incidents;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND REGULAR SESSION:

That an interim study be initiated to investigate the policies, procedures and administrative practices of the Department of Welfare in its actions as guardian of children and assessor of adoptive or foster homes, and that such study attempt to identify areas which require legislative action to improve current practices, with special attention to inappropriate treatment of children, foster parents, and adoptive parents.

Further, be it resolved that the Legislature's Public Health and Welfare Committee submit its findings, including any recommended legislation to the Legislature as a whole.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 297.

Introduced by Labedz, 5th District.

Purpose:

Our western culture with its Judeo-Christian heritage has long prided itself on being respectful of human life. Yet, there are today in our society disturbing, almost-Orwellian trends which are undermining this respect for human life. One of these trends is that "wrongful life" and "wrongful birth" actions have been brought around the country by persons or on behalf of persons asserting that such persons should not have been born. Since a legal system reflects a country's fundamental values, and since our culture has always prided itself on its respect for human life, this study should ask whether such causes of action are compatible with our cultural traditions and whether they should be made void as a matter of public policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of the resolution.
2. That the committee shall upon conclusion of its study, make a report of its findings, together with its recommendations to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 298.

Introduced by Kremer, 34th District.

WHEREAS, Speaker Richard D. Marvel, our friend and colleague, is currently in the process of restoring his health and vitality; and

WHEREAS, Speaker Marvel is a valued leader of this Legislature whose patience and tolerance as presiding officer have been greatly appreciated; and

WHEREAS, Speaker Marvel's health and well-being are this body's most pressing concern; and

WHEREAS, Speaker Marvel's experience, statesmanship, and ability are needed by this body in the important years ahead;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That we convey to Speaker Marvel our most sincere wish for his speedy recuperation and return to this Legislature.

Laid over.

SELECT FILE

LEGISLATIVE BILL 693. E and R amendments found in the Journal on page 1451 for the Fiftieth Day were adopted.

Mr. Beutler offered the following amendment:

By striking the word shall in line 7, page 6 and inserting the word 'may'.

The amendment lost with 5 ayes, 17 nays, 25 present and not voting, and 2 excused and not voting.

VISITORS

Visitors to the Chamber were 41 fifth grade students and teacher from Hebron; Mr. and Mrs. Marvin Nelson from North Platte; Mr. Eli Votaw from Welfleet; 36 seniors and teachers from Dodge; 78 fourth grade students and teachers from Lakeview Grade School, Lincoln; Sandy Irish and Joe Higgins; and 8 seniors and teacher from Ralston.

RECESS

At 11:57 a.m., on a motion by Mrs. Marsh, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Burrows, Carsten Chambers, Fowler, Koch, Newell, Schmit, Warner, Mesdames Higgins, Labedz, Marsh, and Pirsch who were excused until they arrive.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the following rules:

Rule - Sec.	
1-12	Challenge the Chair
1-16	Overrule Agenda
2-2	(2nd sentence) Refer rule changes to Rules Committee
2-10	Time limit on speaking
5-6	(G) (H) Priority bill designation
6-3	General File
6-5	Select File
7-3	Motions - writing
7-7A,B	Reconsideration

and in their place use the following procedure:

1. For all priority bills on General File which have not been considered, allow 5 minutes for the introducer to present his or her bill and 5 minutes to an opponent of the bill; no amendments or motions can be offered to the bill unless the introducer agrees to them. All amendments agreed to must be adopted within the allotted time frame. At the end of this 10 minute period, the bill will automatically be voted on a motion to advance to E & R Initial.
2. For all bills on Select File, no amendments or motions may be offered unless the introducer agrees to them. A maximum of 5 minutes will be allowed on each amendment or motion and no more than a total of 20 minutes on the bill to include discussion of amendments or motions. At the end of the 20 minute period, a motion to advance the bill to E & R for Engrossment will be voted on.
3. For priority bills on General File that failed to advance or were IPP and subsequently reconsidered, specifically LB 870 and 230, there will be a 15 minute debate allowed. At the end of this 15 minutes, the Legislature would vote on the motion to advance the bill to E & R Initial.
4. For priority bills IPP on General File (LB 202), these bills will be reconsidered and referred back to the Committee which originally heard them, for further study.

Laid over.

SELECT FILE

LEGISLATIVE BILL 693. Mr. Beutler offered the following amendment:

In line 7, page 6 by adding after the word 'law' the following:
resulting in lower federal income taxes.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 10 ayes, 3 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Beutler
Chambers
Cope
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Rumery
Sieck
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 20:

Apking	Clark	Haberman	Lamb	Remmers
Barrett	Cullan	Hefner	Nichol	Schmit
Beyer	Duda	Johnson, L.	Peterson, H.	Von Minden
Chronister	Goll	Kahle	Pirsch	Wagner

Present and not voting, 6:

Fenger	Higgins	Labedz
Goodrich	Kremer	Peterson, R.

Excused and not voting, 6:

Burrows	DeCamp	Marvel
Carsten	Marsh	Warner

The Beutler amendment lost with 17 ayes, 20 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1543 and 1544. No objections. So ordered.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 299.

Introduced by Kahle, 37th District.

PURPOSE:

During the Second Session of the Eighty-Seventh Legislature LB 746 was heard by the Government and Military Affairs Committee and reported favorably to the Legislature. That bill concerned the investigation and the elimination of fiscal fraud, waste and mismanagement within state agencies. The purpose of this resolution is to study the issues raised by LB 746 as well as other means of promoting efficiency and productivity among state employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon the conclusion of the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 300.

Introduced by Kahle, 37th District.

PURPOSE: Virtually all government subdivisions rely heavily or exclusively on the property tax as a means of financing their operations. The purpose of this resolution is to study the impact on those government subdivisions of tax exempt school lands located within their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 301.

Introduced by Kahle, 37th District.

PURPOSE: During the Second Session of the Eighty-Seventh Legislature, LB 624 was introduced and referred to the Government, Military and Veteran's Affairs Committee. It is a comprehensive bill concerning the access, use and disclosure of information within the control of state government. It was suggested by the bill's introducer that the bill be the subject of an interim study by the Government, Military and Veteran's Affairs Committee. The purpose of this resolution is to conduct that study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 302.

Introduced by Kahle, 37th District.

PURPOSE: The purpose of this resolution is to study vehicle mounted systems to deter drunk driving.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee a report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 303.

Introduced by Kahle, 37th District.

PURPOSE: To undertake a study of the methods of financing political campaigns in the State of Nebraska and alternatives to those methods.

NOW, THEREFORE, BE IT RESOLVED BY THE THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee report its findings, together with its recommendations, to the Legislature or to the Legislative Council upon conclusion of the study.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Kahle asked unanimous consent to print the following amendment to LB 611 in the Journal. No objections. So ordered.

1. Strike original section 9.

2. On page 13, line 13, strike the first comma and insert "and" and strike "and 39-2125,".

3. In the standing committee amendments, page 2, line 6, after "to" insert "8 and"; and in line 7 strike "9" and insert "8".

4. In the title, line 3, after "23-2411" strike the comma and insert "and" and strike "and"; and in line 4, strike "39-2125,".

Mr. Schmit asked unanimous consent to print the following amendment to LB 547 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 5, line 10, strike "whether" and insert "unless" and strike "or not" and insert "in writing, in which event recovery of the actual damages sustained may be allowed in an amount not to exceed the actual value of such property".

2. On page 10, line 6, strike "seventy-two hours following" and insert "seven days from the time of discovery of any loss or damage,"; and in line 7 strike "it".

3. On page 13, strike beginning with "knowingly" in line 19 through the comma in line 20 and show the old matter as stricken; and in line 20 after "cause" insert ", with intent to deceive,".

SELECT FILE

LEGISLATIVE BILL 378A. Messrs. Wesely and Warner offered the following amendment:

1. On page 2, line 2, after "Fund" insert "and $22,275 from the General Fund"; in line 4, after "Fund" insert "and $24,625 from the General Fund"; in line 8, after "for" insert "permanent and temporary salaries and"; in line 10, strike "$8,625" and insert "$24,800"; in line 11, strike "$8,625" and insert "$26,535"; strike beginning with "There" in line 12 through the period in line 14.

The amendment lost with 12 ayes, 22 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 404A. E & R amendment found in the Journal on page 1377 for the Forty-Eighth Day was adopted.

MR. CLARK PRESIDING

Advanced to E & R for Engrossment.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 488A. E & R amendment found in the Journal on page 1377 for the Forty-Eighth Day was adopted.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1444.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Koch requested a roll call vote on the Goodrich amendment.

Voting in the affirmative, 23:

Apking
Barrett
Beutler
Chronister
Cope
Cullan
DeCamp
Duda
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Vickers
Wagner
Warner
Wesely

Voting in the negative, 19:

Carsten
Clark
Dworak
Fenger
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Lamb
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wiitala

Present and not voting, 2:

Beyer
Peterson, R.

Excused and not voting, 3:

Burrows
Goll
Marvel

Absent and not voting, 2:

Chambers
Schmit

The Goodrich amendment lost with 23 ayes, 19 nays, 2 present and not voting, 3 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

Mr. Kahle offered the following amendment:
To increase the Constitutional officers salaries by 10% starting with the new term Jan. 1983.

Mr. Kahle requested a record vote on his amendment.

Voting in the affirmative, 13:

Clark
DeCamp
Duda
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Labedz
Landis
Marsh
Warner

Voting in the negative, 22:

Apking
Beyer
Cullan
Goll
Higgins
Johnson, L.
Kilgarin
Koch
Kremer
Lamb
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wiitala

Present and not voting, 12:

Barrett
Beutler
Carsten
Chambers
Chronister
Cope
Dworak
Fenger
Fowler
Nichol
Wagner
Wesely

Excused and not voting, 2:

Burrows
Marvel

The Kahle amendment lost with 13 ayes, 22 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 18:

Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Koch
Labedz
Landis
Newell
Nichol
Warner

Voting in the negative, 24:

Apking
Barrett
Beyer
Carsten
Chambers
Chronister
Fenger
Goll
Hefner
Higgins
Johnson, L.
Kilgarin
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wiitala

Present and not voting, 5:

Beutler
Kremer
Marsh
Wagner
Wesely

Excused and not voting, 2:

Burrows
Marvel

Failed to advance to E & R for Engrossment with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Wagner asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 5, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 573, 668, 751, 817, 852, 869, and 875 were received in my office on April 1, 1982.

These bills were signed by me on April 5, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 835A. Placed on Select File.
LEGISLATIVE BILL 953A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 304.

Introduced by Wagner, 41st District.

WHEREAS, The Ord Quiz, a newspaper, at Ord, Nebraska, has served the Ord area and other fellow Nebraskans continuously and successfully since April 2, 1882, never missing a weekly issue,

WHEREAS, the Ord Quiz is the only paper in the country bearing that name,

WHEREAS, it was established by a member of the Ord Townsite Company, W. W. Haskell, who named the paper,

WHEREAS, the paper was purchased by H. D. Leggett in 1917 and has been in the Leggett family for three generations, H. D.'s son E. C. Leggett and now his grandson Kerry E. Leggett,

WHEREAS, the Ord Quiz has made many contributions to the quality and enrichment of life in the Ord area, Valley County, and the area in general,

WHEREAS, the Ord Quiz is celebrating its centennial anniversary of operation in 1982;

NOW THEREFORE BE IT RESOLVED THAT, the Nebraska Legislature congratulates the Ord Quiz on the occasion of its centennial -for its past 100 years of service in the business of journalism.

Laid over.

LEGISLATIVE RESOLUTION 305.

Introduced by Fowler, 27th District.

PURPOSE:

The purpose of this resolution is to study the adequacy and constitutional provisions of the current Dental Practice Act, especially those sections dealing with "other dental auxiliaries" and in particular sections 71-183.01, 71-193.13, and 71-193.14; in addition revised Statutes of Nebraska 1943, and sections 71-116 and 71-122.01; and revised Statutes Supplement, 1981.

Dental assistants in Nebraska, numbering approximately 2,000, are defined as "other dental auxiliaries." There is no statutory definition or minimum competency level established for dental assistants within this group of "other dental auxiliaries" who perform intraoral and clinical duties. This does not adequately assure the safety and well-being of the public.

No dental assistant member serves on the Board of Examiners in Dentistry, although the Board designates which duties can or cannot be performed by "other dental auxiliaries."

Without a definition and clearly designated set of delegable duties, dental assistants may be illegally practicing dentistry in the State of Nebraska. The Act and its licensing structure may require a total redrafting to include registration of dental assistants and to include a dental assistant member as a non-voting consultant to the Board of Examiners in Dentistry. A provision for a set fee, provisions for revocation or suspension of registrations, and the collection of a specified fee also need to be established.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the assigned committee be instructed to begin work immediately so as to be able, if at all possible, to report to the 1983 Legislature its findings, together with its recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 306.

Introduced by Fowler, 27th District.

PURPOSE:

To review and clarify the intent of LB 567, passed during the 1975 session of the Legislature.

There is some confusion as to the application of good time credits to parole violators whose parole has been revoked. Parole revocation under section 83-1,123 R.R.S. of Nebraska 1943 has been interpreted by the Nebraska Supreme Court as resulting in essentially a new prison term with all previous credit for good time automatically revoked. The Attorney General maintains that no provisions exist for the granting of good time for a parole violator serving this new term.

The intent of this study is to review the rationale for LB 567, to determine if the intent of the bill was that parole violators whose parole is revoked should be eligible to accrue good time during the "new" prison term, and to develop amendatory legislation if necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of the resolution.

2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 307.

Introduced by Fowler, 27th District.

WHEREAS, the health and safety of Nebraska citizens is of major concern to the Legislature; and

WHEREAS, the Nebraska Public Power District has submitted a plan to the Nuclear Regulatory Commission for the transportation of highly radioactive spent nuclear fuel from the Cooper Nuclear Station in Brownville, Nebraska to a site in Illinois; and

WHEREAS, the planned route for shipping this highly radioactive waste involves a significant portion of eastern Nebraska, including several communities; and

WHEREAS, the need for transferring this nuclear waste from Cooper Nuclear Station has not been clearly demonstrated; and

WHEREAS, the safety and welfare of Nebraskans along the proposed route would be seriously endangered in the event of an accident during the transportation of this waste; and

WHEREAS, the State of Nebraska and communities along the proposed route are not adequately prepared to deal with the consequences of an accident during transportation;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee conduct an interim study concerning the issue of nuclear waste transportation from the Cooper Nuclear Station.

2. That the Committee be instructed to report its findings to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 308.

Introduced by Fowler, 27th District.

PURPOSE:

To study and recommend changes in the procedure for estimating General Fund revenues for the State of Nebraska.

The Legislative and Executive branches of Nebraska State government currently rely on revenue projections made by the State Tax Commissioner in preparing the state budget and setting sales and income tax rates. No other official source of revenue estimates is available.

In recent months, questions have been raised about the accuracy of these projections, the means by which the final projections are derived, and whether they in fact represent the professional opinion of Revenue Department staff.

The intent of this study is to review the manner in which revenue projections are developed and to recommend possible alternatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 309.

Introduced by Fowler, 27th District.

WHEREAS, Nebraska's economy is dependent on the success of agriculture; and

WHEREAS, the conservation of soil is vital to the continued success of agriculture in Nebraska; and

WHEREAS, 1.25 tons of soil per acre were eroded in Nebraska by wind in 1977 alone; and

WHEREAS, the Great Plains Conservation Program was established in 1956 to stabilize the nation's agricultural economy in a 10 state region through soil conservation methods; and

WHEREAS, its been estimated that 221 million tons of soil per year have been saved from erosion by the Great Plains Conservation Program; and

WHEREAS, the federal government estimates that each dollar invested in the Great Plains Conservation Program results in nearly $4 of increased agricultural income; and

WHEREAS, President Reagan has proposed reducing the Great Plains Conservation Program funding by 30 percent; and

WHEREAS, the farmers of today are faced with the lowest real farm income since the depression and are unable to invest their income in conservation programs; and

WHEREAS, a reduction in conservation funding will be devastating to the progress that has been made by the Great Plains Conservation Program during the last 26 years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges President Reagan to reconsider his cuts to the Great Plains Conservation Program and urges Congress to reaffirm its commitment to a stable and prosperous agricultural economy.
2. That the Clerk of the Legislature transmit copies of this resolution to the President of the United States and to each member of the Nebraska congressional delegation.

Laid over.

UNANIMOUS CONSENT - Withdraw LR 262

Messrs. Wagner and Sieck asked unanimous consent to withdraw LR 262. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 714A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 609A. E & R amendment found in the Journal on page 1377 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 522A. Mr. V. Johnson offered the following amendment:

By striking "$29,814,250" in lines 14 and 24 on page 2 and substituting "23,938,912" and by striking "31,902,550" in lines 15 and 25, page 2 and substituting "25,615,938."

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Schmit requested a roll call vote on the V. Johnson amendment.

Voting in the affirmative, 25:

Apking
Beutler
Chambers
Chronister
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 20:

Beyer
Carsten
Clark
Cope
Fenger
Goll
Hefner
Johnson, L
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Warner

Present and not voting, 2:

Barrett
Haberman

Excused and not voting, 2:

Burrows
Marvel

The V. Johnson amendment was adopted with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Beutler
Chambers
Chronister
Cullan
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Vickers
Wesely
Wiitala

Voting in the negative, 24:

Apking
Barrett
Beyer
Carsten
Clark
Cope
Fenger
Goll
Haberman
Hefner
Johnson, L
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Burrows
Marvel

Absent and not voting, 1:

DeCamp

Failed to advance to E & R for Engrossment with 21 ayes, 24 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 754 and 942.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 754

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 754:

1. In E & R 10, line 6, a comma has been added before "Laws"; in line 7, the last comma has been stricken; and in line 8, "after" has been stricken and "before" added.
2. On page 48, line 18, "section" has been stricken and "sections" inserted.
3. Original sections 18 and 19 have been renumbered as sections 24 and 25; section 24 in S.C. amendments (Req. 2730) as section 26, original section 20 as section 27; original section 22 as section 28; and sections 28 and 29 in S.C. amendments (Req. 2755) as sections 29 and 30.
4. In the title, page 2, line 8, "and" has been stricken.

Enrollment and Review Changes to LB 942

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 942:

1. Sections have been renumbered as follows: Original section 7 as section 2, sections 9 and 10 as sections 3 and 4, section 12 as section 5, section 13 found in the Appropriations Committee amendments as section 6, section 23 as section 7, section 26 as section 8, the unnumbered section in the Cullan amendment as section 9, and original sections 27 to 29 as sections 10 to 12.
2. In new section 9, as amended, lines 10 to 14, the commas have been stricken and a semicolon inserted; and in line 20, "act" has been stricken and "section" inserted.
3. In line 7 of the Cullan amendment to the Cullan amendment, the period has been stricken and reinserted at the end of the line.
4. Renumbered section 11 has been changed to read: "Sec. 11. That original sections 19-3910 and 43-626, Reissue Revised Statutes of Nebraska, 1943, sections 43-512, 81-1822, and 84-1301, Revised Statutes Supplement, 1980, and section 43-607, Revised Statutes Supplement, 1981, are repealed.".

5. The title has been stricken beginning with line 5 and "certain fares; to change provisions relating to public assistance; to provide for pro rata reduction in medical assistance payments; to limit certain payments and crime victims reparations; to amend sections 19-3910 and 43-626, Reissue Revised Statutes of Nebraska, 1943, sections 43-512, 81-1822, and 84-1301, Revised Statutes Supplement, 1980, and section 43-607, Revised Statutes Supplement, 1981; to provide an operative date; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Emory P. Burnett
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 652. Mr. Hoagland renewed his pending motion found in the Journal on page 1310 to indefinitely postpone.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 7 nays, and 20 not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Hoagland requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 19:

Apking
Beutler
Chambers
Cope
Dworak
Goll
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Newell
Nichol
Pirsch
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 24:

Barrett
Beyer
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Hefner
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Peterson, H.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 2:

Clark	Peterson, R.

Excused and not voting, 3:

Burrows	Higgins	Marvel

Absent and not voting, 1:

Goodrich

The Hoagland motion lost with 19 ayes, 24 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 310.

Introduced by Kilgarin, 7th District.

PURPOSE:

The purpose of this study is to examine current issues concerning the Nebraska Workmen's Compensation Law, including the adequacy of existing procedures for expeditious settlement of disability claims without unnecessary litigation, expense, and delay.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 311.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Apking, 32nd District; R. Peterson, 21st District; Goll, 16th District; Vickers, 38th District; Labedz, 5th District; Wiitala, 31st District.

PURPOSE:

The purpose of this study is to examine current issues concerning resolution of public employment disputes in the Nebraska Commission of Industrial Relations, including statutory provisions for establishing wages and conditions of employment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 312.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; Apking, 32nd District; R. Peterson, 21st District; Goll, 16th District; Vickers, 38th District; Labedz, 5th District.

PURPOSE:

The purpose of this study is to examine current issues concerning the Nebraska Unemployment Insurance law, including the system of charging benefits to base period employers; the contribution rates paid by negative balance and newly-covered employers; eligibility for and disqualification from benefits; and the adequacy of current benefit levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of the resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 313.

Introduced by Marsh, 29th District.

WHEREAS, the University of Nebraska-Lincoln Women's Track and Field team captured the 1982 NCAA Women's Indoor Track and Field Championship; and

WHEREAS, this national championship is the first national championship captured by any University of Nebraska-Lincoln women's team; and

WHEREAS, this national championship is the first indoor track and field championship won by any University of Nebraska-Lincoln Track and Field team, men or women; and

WHEREAS, this national championship marks a step forward for the University of Nebraska-Lincoln women's athletic program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to the University of Nebraska-Lincoln Women's Track and Field team and their coaching staff for their outstanding performance in winning the 1982 NCAA Women's Indoor Track and Field Championship.

2. That the Clerk of the Legislature send a copy of this resolution to the members of the team and their coaches.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 879A. By V. Johnson, 8th District.
This bill introduced on behalf of: LB 879.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 879, Eighty-seventh Legislature, Second Session, 1982.

UNANIMOUS CONSENT - Add Name

Mr. Beutler asked unanimous consent to add his name to the Schmit amendment to LB 547. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 652. Mr. Fowler renewed his pending amendment found in the Journal on page 1314.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Fowler amendment was adopted with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

Mr. Remmers renewed the pending amendment, Req. #2652, found in the Journal on page 1328.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Remmers et al amendment was adopted with 25 ayes, 14 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Chambers offered the following amendment:

Strike the DeCamp-Peterson amendment and all amendments thereto, and insert the following:

"That sections 79.1233 and 79-1701 and 79-1247.03 to 79-1247.14 R.R.S. Neb. 1943 are repealed"

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers requested a record vote on the Chambers amendment.

Voting in the affirmative, 5:

Chambers
Cullan
Dworak
Pirsch
Vickers

Voting in the negative, 32:

Apking
Barrett
Beutler
Beyer
Carsten
Cope
Duda
Fowler
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Present and not voting, 8:

Chronister
Clark
DeCamp
Fenger
Haberman
Johnson, V.
Labedz
Nichol

Excused and not voting, 4:

Burrows	Higgins	Marvel	Schmit

The Chambers amendment lost with 5 ayes, 32 nays, 8 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Ron Bopp, daughter Paula and friend Peggy Pierson from Spalding; and Mr. and Mrs. Kim Naden and 5 senior students from Rosalie.

RECESS

At 5:04 p.m., on a motion by Mr. Von Minden, the Legislature recessed until 6:30 p.m.

AFTER RECESS

The Legislature reconvened at 6:30 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; Messrs. Burrows, Chambers, Fowler, Schmit, and Mrs. Pirsch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 652. Considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 20:

Beyer	DeCamp	Hefner	Lamb	Rumery
Chronister	Duda	Koch	Landis	Schmit
Clark	Fenger	Kremer	Peterson, H.	Stoney
Cullan	Fowler	Labedz	Remmers	Von Minden

Voting in the negative, 23:

Apking
Barrett
Beutler
Carsten
Chambers
Cope
Dworak
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Marsh
Newell
Nichol
Peterson, R.
Pirsch
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 4:

Higgins
Johnson, L.
Kahle
Sieck

Excused and not voting, 2:

Burrows
Marvel

Failed to advance to E & R for Engrossment with 20 ayes, 23 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 568. E & R amendments found in the Journal on page 1151 for the Forty-Second Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment, Req. #2773, printed separate from the Journal and referred to on page 1034. No objections. So ordered.

Messrs. Hoagland, Nichol, and Haberman renewed their first pending amendment found in the Journal on page 1354.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 16 nays, and 10 not voting.

Mr. Newell offered the following amendment to the Hoagland-Nichol-Haberman amendment:

Amend the Committee Amendments in request #2666, in Sect. 2 on pp 3 line 21 after the period insert:

Commencing on the effective date of this act, each county attorney shall submit a monthly report to the Department of Motor Vehicles containing the name and drivers license number of each individual placed on pretrial diversion for any violations of §§39.669.07 or 39.669.08.

The Department of Motor Vehicles shall compile such reports and diseminate such information to the County Attorney of each county in the State of Nebraska.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Newell moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Carsten
Cullan
Duda
Dworak
Fowler
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Marsh
Newell
Schmit
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 27:

Apking
Barrett
Beutler
Beyer
Chronister
Clark
Cope
Fenger
Goll
Haberman
Hefner
Higgins
Hoagland
Kahle
Labedz
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner

Present and not voting, 2:

Chambers
Goodrich

Excused and not voting, 3:

Burrows
DeCamp
Marvel

The Newell amendment lost with 17 ayes, 27 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

The Hoagland-Nichol-Haberman amendment was adopted with 32 ayes, 9 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Nichol renewed his pending amendment found in the Journal on page 1362.

The amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 314.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Wagner, 41st District; Kahle, 37th District; Hefner, 19th District; H. Peterson, 35th District; Newell, 13th District; V. Johnson, 8th District.

PURPOSE: To undertake a study of methods of increasing state aid and revenue sharing to local governments for the purpose of providing property tax relief.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 315.

Introduced by Revenue Committee: Carsten, 2nd District, Chairperson; Wagner, 41st District; Kahle, 37th District; Hefner, 19th District; H. Peterson, 35th District; Newell, 13th District; V. Johnson, 8th District.

PURPOSE: To undertake a study of the feasibility and desirability of dedicating the receipts from the state sales and use tax for state aid and revenue sharing programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 799A. By DeCamp, 40th District.
This bill introduced on behalf of: LB 799.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, Eighty-seventh Legislature, Second Session, 1982.

SELECT FILE

LEGISLATIVE BILL 568. Messrs. Nichol, Haberman, and Hoagland renewed their second pending amendment found in the Journal on page 1354.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 13 nays, and 18 not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Nichol-Haberman-Hoagland amendment was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

The Appropriations Committee asked unanimous consent to print the following amendment to LB 761 in the Journal. No objections. So ordered.

Amendment to LB 761 as Amended by Standing Committee Amendment (Req 2729) as Amended Through April 1, 1982

On page 1, in lines 12 and 13, strike "830,437" and insert "630,437".

On page 2, in lines 16 and 17, strike "162,330" and insert "112,330".

On page 3, in lines 13 and 14, strike "4,896,994" and insert "4,646,994".

On page 4, in line 1, strike "8,326,237" and insert "8,308,132"; in line 3, strike "8,333,237" and insert "8,315,132"; in line 21, strike "8,417,146" and insert "8,399,041"; in line 23, strike "8,424,146" and insert "8,406,041"; in line 27, strike "96,457" and insert "93,563".

On page 5, in line 1, strike "96,457" and insert "93,563"; in lines 5 and 6, strike "2,819,109" and insert "2,814,878"; in lines 11 and 12, strike "2,915,566" and insert "2,908,441".

On page 9, in lines 16 and 17, strike "1,064,628" and insert "1,052,166"; in line 19, strike "788,117" and insert "778,117".

On page 10, in lines 6 and 7, strike "1,128,805" and insert "1,116,343".

On page 14, in line 18, strike "35,397,695" and insert "35,098,876"; in line 21, strike "44,024,709" and insert "43,725,890"; in line 26, strike "34,732,488" and insert "34,433,669".

On page 18, in line 24, strike "142,582,203" and insert "142,283,384".

On page 19, in line 1, strike "199,078,518" and insert "198,779,699".

On page 20, in line 14, strike "7,882,507" and insert "7,832,507" in line 16, strike "8,119,599" and insert "8,069,599"; after line 18, insert "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 21, in line 1, 2, and 7, strike "30,516,000" and insert "30,297,815"; in line 13, strike "39,688,588" and insert "39,420,403"; in line 16, strike "40,842,138" and insert "40,573,953".

On page 24, in line 24, strike "471,591" and insert "371,591"; in line 25, strike "277,966" and insert "377,966".

On page 25, in lines 4 and 6, strike "76,500" and insert "176,500".

On page 28, in line 18, strike "2,902,105" and insert "2,802,105"; in line 19, strike "4,155,925" and insert "4,255,925".

On page 34, strike lines 20 through 24 and insert "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated in an amount not to exceed $400,000." In line 27, strike "4,726,996" and insert "4,326,996".

On page 35, in line 3, strike "19,365,383" and insert "18,965,383".

On page 38, in line 18, strike "2,902,929" and insert "2,856,949"; in line 20, strike "3,962,384" and insert "3,916,404".

On page 39, in line 23, strike "3,913,718" and insert "3,867,738"; in line 26, strike "6,019,607" and insert "5,973,627".

On page 48, in line 22, strike "and reappropriation".

On page 52, in line 17, strike "2,038,267" and insert "1,968,654"; in line 20, strike "3,374,947" and insert "3,305,334; in line 25, strike "1,925,950" and insert "1,856,337".

On page 54, in line 3, strike "2,038,267" and insert "1,968,654"; in line 6, strike "235,035,614" and insert "234,966,001".

On page 55, in line 22, strike "1,434,223" and insert "1,410,968"; in line 24, strike "1,444,823" and insert "1,421,568".

On page 56, in line 2, strike "73,520" and insert "50,265"; in line 7, strike "1,434,223" and insert "1,410,968"; in line 9, strike "1,444,823" and insert "1,421,568"; in lines 20 and 21, strike "250,000" and insert "150,000".

On page 57, in line 14, strike "295,445" and insert "286,701"; in line 17, strike "1,240,820" and insert "1,232,076".

On page 58, in line 9, strike "2,598,356" and insert "2,489,612"; in line 13, strike "4,734,319" and insert "4,625,575".

On page 61, in line 6, strike "1,861,892" and insert "1,841,892"; in line 8, strike "2,915,156" and insert "2,895,156"; in line 18, strike "5,911,250" and insert "5,891,250"; in line 20, strike "19,417,431" and insert "19,397,431".

On page 62, in line 12, strike "199,482" and insert "189,335"; in line 14, strike "255,482" and insert "245,335".

On page 63, in line 12, strike "1,519,829" and insert "1,509,682"; in line 15, strike "2,073,672" and insert "2,063,525".

On page 70, in line 6, strike "2,667,152" and insert "2,658,348"; in line 8, strike "2,729,848" and insert "2,721,044".

On page 71, in line 3, strike "28,546,685" and insert "28,537,881"; in line 7, strike "33,317,170" and insert "33,308,366"; in line 12, strike "4,027,626" and insert "4,001,941"; in line 14, strike "4,067,626" and insert "4,041,941"; strike lines 25, 26, and 27.

On page 72, strike line 1.

On page 77, in line 3, strike "9,346,423" and insert "9,302,003"; in line 7, strike "18,265,748" and insert "18,221,328"; in line 14, strike "5,826,276" and insert "5,798,586"; in line 16, strike "8,073,375" and insert "8,045,685"; in line 18, strike "77,558" and insert "77,189"; in line 20, strike "109,677" and insert "109,308"; in line 22, strike "14,246" and insert "14,178"; in line 24, strike "24,778" and insert "24,710"; in line 26, strike "1,125,654" and insert "1,120,304".

On page 78, in line 1, strike "1,562,617" and insert "1,557,267"; in line 3, strike "539,248" and insert "536,685"; in line 5, strike "1,030,782" and insert "1,028,219"; in line 7, strike "638,046" and insert "635,014"; in line 9, strike "1,264,745" and insert "1,261,713"; in line 11, strike "1,125,395" and insert "1,120,047"; in line 13, strike "1,562,619" and insert "1,557,271"; in line 22, strike "9,416,233" and insert "9,371,813"; in line 26, strike "18,350,558" and insert "18,306,158".

On page 86, in lines 2 and 3, strike "80,708,135" and insert "80,432,635"; in lines 10 and 11, strike "26,330,602" and insert "26,240,602"; in lines 19 and 20, strike "627,024" and insert "625,024"; in lines 25 and 26, strike "21,643,003" and insert "21,569,003".

On page 87, in lines 5 and 6, strike "43,560,297" and insert "43,411,797".

On page 88, in line 24, strike "956,341" and insert "947,035"; in line 27, strike "1,146,669" and insert "1,137,363".

On page 89, in line 4, strike "299,751" and insert "264,751"; in line 6, strike "331,751" and insert "296,751"; in line 27, strike "1,817,656" and insert "1,773,350".

On page 90, in line 3, strike "2,266,984" and insert "2,222,678".

On page 91, in line 16, strike "undisbursed" and insert "unexpended".

On page 95, in lines 13 and 14, strike "5,967,287" and insert "5,817,287".

On page 96, in line 24, strike "12,013,410" and insert "11,863,410"; in line 26, strike "16,988,410" and insert "16,838,410".

On page 97, in line 5, strike "96,781" and insert "20,529"; after line 5, insert "REVOLVING FUND 76,252".

On page 99, in line 5, strike "1,433,477" and insert "1,408,477"; in line 7, strike "1,560,214" and insert "1,535,214"; in line 12, strike "4,015,622" and insert "3,914,370"; in line 14, strike "29,213,633" and insert 29,289,885"; in line 15, strike "34,570,431" and insert "34,545,431".

On page 101, in lines 8 and 15, strike "258,989" and insert "255,906"; in line 10, strike "591,546" and insert "588,463"; in line 20, strike "479,785" and insert "476,702"; in line 23, strike "881,981" and insert "878,898".

On page 102, in line 2, strike "563,350" and insert "557,992"; in line 5, strike "6,494,318" and insert "6,488,960".

On page 104, in line 2, strike "2,321,781" and insert "2,296,781"; in line 5, strike "14,728,863" and insert "14,703,863"; in line 10, strike "195,280" and insert "170,280"; in line 17, strike "75,000" and insert "50,000".

On page 105, in line 4, strike "2,491,493" and insert "2,466,493"; in line 7, strike "15,780,391" and insert "15,755,391".

On page 108, in lines 7 and 8, strike "119,999" and insert "107,278"; in line 22, strike "474,595" and insert "461,874"; in line 25, strike "1,510,871" and insert "1,498,150".

On page 112, in lines 7, 8, and 13, strike "2,700,000" and insert "2,600,000"; in line 19, strike "3,599,199" and insert "3,499,199"; in line 22, strike "6,322,578" and insert "6,222,578".

On page 118, in line 20, strike "one" and insert "nine"; in line 23, strike "and"; in line 24, strike "nine hundred thousand" and insert "one million"; in line 25, after the comma, insert "(4) fifty thousand dollars from the State Athletic Commission Cash Fund, (5) four hundred fifty thousand dollars from the State Office Building Fund, and (6) nine hundred sixty thousand dollars from the Downtown Education Center and Office Rental Fund,"; in line 26, strike "General Fund on" and insert "Nebraska Capital Construction Fund on or before".

On page 140, strike beginning with "and" in line 26 through line 27.

On page 141, strike lines 1 through 11; in line 20, strike "3,473,823" and insert "2,493,972"; in line 21, strike "2,440,000" and insert "3,419,851".

On page 147, in line 10, insert after the period "Of the unexpended balance existing on June 30, 1982, in Program 908, (1) $250,000 is hereby appropriated to the Department of Administrative Services for Program 900, (2) $50,000 is hereby appropriated to the Department of Administrative Services for Program 902, and (3) $25,000 is hereby appropriated to the Nebraska Law Enforcement Training Center Fund, for the fiscal year ending June 30, 1983."

This portion of the
Amendment to LB 761 (Green Copy)

On page 78, in line 19, strike "State Building Fund" and insert "Nebraska Capital Construction Fund."

On page 83, in line 20, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 84, in line 19, strike "650,000" and insert "500,000"; in line 20, strike "State Building Fund" and insert "Nebraska Capital Construction Fund"; in line 22, strike "327,270" and insert "477,270".

On page 85, in line 2, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 86, in line 26, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 87, in line 19, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 89, in line 9, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 92, in lines 1 and 2 and lines 11 and 12, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 93, in lines 1 and 2, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 94, in lines 19 and 20, strike "140,000 from the State Building Fund" and insert "115,000 from the Nebraska Capital Construction Fund".

Strike original sections 104, 122 and 124.

SELECT FILE

LEGISLATIVE BILL 568. Mr. Chambers renewed his pending amendment (1), Req. #2883, found in the Journal on page 1427.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Dworak requested a record vote on overruling the Chair.

Voting in the affirmative, 15:

Carsten
Chambers
DeCamp
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Marsh
Newell
Pirsch
Schmit
Vickers

Voting in the negative, 25:

Apking
Barrett
Beutler
Beyer
Chronister
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Landis
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden
Wagner
Warner
Wesely

Present and not voting, 7:

Clark
Labedz
Lamb
Nichol
Sieck
Stoney
Wiitala

Excused and not voting, 2:

Burrows
Marvel

The motion to overrule the Chair lost with 15 ayes, 25 nays, 7 present and not voting, and 2 excused and not voting.

The Chair was sustained.

Mr. Chambers renewed his pending amendment (2), Req. #2887 found in the Journal on page 1430.

Mr. Beutler requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Chambers renewed his pending amendment (3), Req. #2891, found in the Journal on page 1434.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a Call of the House.

Mrs. Marsh requested a record vote on the Call of the House.

Voting in the affirmative, 23:

Beutler
Carsten
Chambers
Dworak
Fowler
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Kremer
Landis
Peterson, H.
Peterson, R.
Remmers
Von Minden
Wagner

Present and not voting, 3:

Chronister
Lamb
Stoney

Excused and not voting, 3:

Burrows
DeCamp
Marvel

The motion prevailed with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Carsten
Chambers
Dworak
Fowler
Kilgarin
Koch
Marsh
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 32:

Apking
Barrett
Beutler
Beyer
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 1:

Higgins

Excused and not voting, 3:

Burrows
DeCamp
Marvel

The Chambers amendment(3) lost with 13 ayes, 32 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment (4), Req. #2893, found in the Journal on page 1438.

The Chambers amendment (4) lost with 6 ayes, 25 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Hoagland moved to suspend the rules, Rule 6, Sec. 5 and Rule 7, Sec. 3 and vote without further debate and without further amendments on the advancement of LB 568.

The motion lost with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mesdames Higgins, Labedz, Messrs. Rumery, and Kremer asked unanimous consent to print the following amendment to LB 378 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #1805.)

Mr. Carsten asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

Req. #1801

1. In the Carsten amendment on page 1234 of the Journal on page 2, line 10, after "distributed" insert "(1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December, 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter"; and in line 13 strike "1982" and insert "1983".

2. In the Standing Committee amendments on page 985 of the Journal on page 2, line 1, after "distributed" insert "(1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December, 1982, and (2) for fiscal year 1983-84 and each fiscal year thereafter"; and in line 3 strike "1982" and insert "1983".

3. Insert the following new section:

"Sec. 6. That section 79-2651, Revised Statutes Supplement, 1980, be amended to read as follows:

79-2651. The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each year from such funds as may be available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be distributed to the area boards by the Department of Administrative Services in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September, 1977, and each September thereafter, except that for any additional amounts appropriated by Legislative Bill 816A, Eighty-seventh Legislature, Second Session, 1982, the payments shall be made in seven as nearly as possible equal monthly payments beginning in December, 1982. Fifteen per cent of such funds shall be distributed in equal amounts to each of the six technical community college areas and the balance shall be distributed to the areas in the same proportion as the audited reimbursable educational unit total for each area for the immediately preceding fiscal year is to the audited reimbursable educational unit total of all technical community college areas combined for such fiscal year.".

4. In the Carsten amendment, on page 1234 of the Journal on page 3, line 5, strike "and" and after "77-27,137.01," insert "and 79-2651,".

5. Renumber remaining sections accordingly.

Mr. Von Minden moved to adjourn.

Mr. Landis moved for a Call of the House. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Landis requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 19:

Apking
Barrett
Beyer
Chronister
Clark
Cope
Duda
Fenger
Goodrich
Hefner
Johnson, L.
Kremer
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Von Minden

Voting in the negative, 23:

Beutler
Carsten
Cullan
Fowler
Goll
Haberman
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Present and not voting, 3:

Chambers Dworak Lamb

Excused and not voting, 4:

Burrows
DeCamp
Marvel
Schmit

The motion to adjourn lost with 19 ayes, 23 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers offered the following amendment to LB 568:

Add the following new section:

That section 28-105 be amended to read as follows:

28-105. Felonies; classification of penalties; sentences; where served. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I Felony	Death
Class IA Felony	Life imprisonment
Class IB Felony	Maximum-life imprisonment Minimum-ten years imprisonment
Class II Felony	Maximum-fifty years imprisonment Minimum-one year imprisonment
Class III Felony	Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, orboth Minimum-one year imprisonment
Class IV Felony	Maximum-five years imprisonment, or ten thousand dollars fine, or both Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward

copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Each person charged with a Class I or IA Felony who is not able to afford legal counsel shall be provided with court appointed counsel having no less than five years of prior experience in the active practice of criminal law.

Mr. Landis requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Barrett and Chronister asked unanimous consent to be excused. No objections. So ordered.

The motion to overrule the Chair lost with 10 ayes, 23 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:

Add the following new section:

That section 28-105 be amended to read as follows:

28-105. Felonies; classification of penalties; sentences; where served. (1) For purposes of this code and any statute passed by the Legislature after the date of passage of this code, felonies are divided into six classes which are distinguished from one another by the following penalties which are authorized upon conviction:

Class I Felony	Death
Class IA Felony	Life imprisonment
Class IB Felony	Maximum-life imprisonment Minimum-ten years imprisonment
Class II Felony	Maximum-fifty years imprisonment Minimum-one year imprisonment
Class III Felony	Maximum-twenty years imprisonment, or twenty-five thousand dollars fine, or both Minimum-one year imprisonment
Class IV Felony	Maximum-five years imprisonment, or ten thousand dollars fine, or both Minimum-none

(2) All sentences of imprisonment for Class IA, IB, II, and III felonies and sentences of one year or more for Class IV felonies shall be served in institutions under the jurisdiction of the Department of Correctional Services. Sentences of less than one year shall be served

in the county jail except as provided in this subsection. If the Department of Correctional Services certifies that it has programs and facilities available for persons sentenced to terms of less than one year, the court may order that any sentence of six months or more be served in any institution under the jurisdiction of the Department of Correctional Services. Any such certification shall be given by the department to the State Court Administrator, who shall forward copies thereof to each judge having jurisdiction to sentence in felony cases.

(3) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime. The burden of proof as to age shall be upon the defendant.

Mr. Landis requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Stoney offered the following amendment to LB 568:

(Amendments to Req. #2666)

Req. #1800

1. Insert the following new section:

"Sec. 8. That section 39-669.30, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.30. It shall be unlawful to operate a motor vehicle on the public highways after revocation of an operator's license or privilege revoked under the provisions of sections 39-669.26 to 39-669.30, except that a motor vehicle may be operated under an employment driving permit as provided by section 39-669.34. Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor and shall be fined at least two hundred fifty dollars. No such fine shall be suspended. Any license or privilege, revoked under the provisions of sections 39-669.26 to 39-669.30, shall remain revoked for one year and at the expiration thereof such person shall give and maintain for three years proof of financial responsibility, as required by section 60-525; Provided, that any person whose license or privilege has been revoked pursuant to sections 39-669.26 to 39-669.30 a second time within five years shall be guilty of a Class II misdemeanor and shall be fined not less than five hundred dollars. No such fine shall be suspended. Such person shall have his or her license or privilege revoked for three years and at the expiration thereof such person shall give and maintain for three years proof of financial responsibility, as required by section 60-524.”.

2. On page 16, lines 16 and 24, after “39-669.16,” insert “39-669.30,”.

3. Renumber remaining sections accordingly.

Mrs. Marsh requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Stoney challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?”

Mr. Stoney moved for a Call of the House. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Stoney requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 17:

Carsten
Cope
Cullan
Duda
Higgins
Hoagland
Kahle
Kilgarin
Labedz
Peterson, H.
Peterson, R.
Pirsch
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 22:

Apking
Beutler
Beyer
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Koch
Kremer
Landis
Marsh
Newell
Nichol
Remmers
Rumery
Vickers
Wagner

Present and not voting, 4:

Chambers
Clark
Lamb
Sieck

Excused and not voting, 6:

Barrett
Burrows
Chronister
DeCamp
Marvel
Schmit

The motion to overrule the Chair lost with 17 ayes, 22 nays, 4 present and not voting, and 6 excused and not voting.

The Chair was sustained.

Mr. Chambers offered the following amendment:
(Req 2666)
P. 7, Lines 7-18, strike new language, reinsert stricken language.
P. 8, lines 11-14 - strike.
Pp. 12-14 - strike (c).

Messrs. Hefner, H. Peterson, and Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak requested a record vote on the Chambers amendment.

Voting in the affirmative, 15:

Beutler
Carsten
Chambers
Clark
Dworak
Fowler
Johnson, V.
Kilgarin
Koch
Marsh
Newell
Rumery
Vickers
Warner
Wesely

Voting in the negative, 21:

Apking
Beyer
Cope
Cullan
Fenger
Goll
Goodrich
Haberman
Hoagland
Johnson, L.
Kahle
Labedz
Lamb
Landis
Nichol
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Von Minden

Present and not voting, 4:

Duda
Higgins
Wagner
Wiitala

Excused and not voting, 9:

Barrett
Burrows
Chronister
DeCamp
Hefner
Kremer
Marvel
Peterson, H.
Schmit

The Chambers amendment lost with 15 ayes, 21 nays, 4 present and not voting, and 9 excused and not voting.

Mr. Newell offered the following amendment:
Insert a new section. No person charged with a violation of section 39-669.07 or 39-669.08 shall be eligible for pretrial diversion more than once under a program established pursuant to Chapter 29, article 36. Commencing on the effective date of this act, each county attorney shall submit a monthly report to the Department of Motor Vehicles containing the name and drivers license number of each

individual placed on pretrial diversion for any violation of section 39-669.07 or 39-669.08.

The Department of Motor Vehicles shall compile such reports and disseminate such information to the County Attorney of each county in the State of Nebraska."

Mr. Newell moved for a Call of the House. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Mr. Newell requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Cope
Cullan
Dworak
Fowler
Goodrich
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Remmers
Rumery
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 20:

Apking
Beutler
Beyer
Carsten
Clark
Fenger
Goll
Haberman
Higgins
Hoagland
Johnson, L.
Kahle
Labedz
Lamb
Nichol
Peterson, R.
Sieck
Stoney
Von Minden
Wesely

Present and not voting, 2:

Chambers
Duda

Excused and not voting, 9:

Barrett
Burrows
Chronister
DeCamp
Hefner
Kremer
Marvel
Peterson, H.
Schmit

The Newell amendment lost with 18 ayes, 20 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the Call raised.

Mr. Wesely offered the following amendment:

(1) P. 7. L12 strike "permanently"; after the word "revoked" insert "for a period of five years"

(2) P. 8, strike lines 11 through 14

(3) P. 13 L9 strike "permanently"; after the word "revoked" insert "for a period of five years".

The amendment lost with 18 ayes, 20 nays, 2 present and not voting, and 9 excused and not voting.

Mr. Dworak requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Apking
Beutler
Beyer
Carsten
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Labedz
Lamb
Landis
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 11:

Chambers
Cullan
Dworak
Fowler
Kilgarin
Koch
Marsh
Newell
Stoney
Wesely
Wiitala

Excused and not voting, 9:

Barrett
Burrows
Chronister
DeCamp
Hefner
Kremer
Marvel
Peterson, H.
Schmit

Advanced to E & R for Engrossment with 29 ayes, 11 nays, and 9 excused and not voting.

ADJOURNMENT

At 11:06 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Tuesday, April 6, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 6, 1982

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 6, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 6, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Peter Ave-Lallemant, Lutheran Church of the Atonement, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Burrows, Schmit, Stoney, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1661, after line 10, insert the heading "**SELECT FILE**".
The Journal for the Fifty-Fourth Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 242 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 39-6,131, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,131. Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that (1) this prohibition shall not apply to ~~(a) vehicles used for the public's safety, which shall include, but not be limited to, law enforcement, fire, and other emergency vehicles, (b) vehicles driven by emergency medical personnel when necessary to their duties, (c) rural mail carrier vehicles used to deliver mail, and (d) vehicles which display license plates carrying the wheelchair symbol as provided in section 60-311.14,~~ pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and March 15, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs between March 15 and November 1, (2) it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and (3) it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid. ~~The exceptions provided in subdivision (1) of this section shall only be applicable for such vehicles if the requirements of section 39-6,131.03 have been met.~~ The Department of Roads and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

Sec. 2. That original section 39-6,131, Revised Statutes Supplement, 1980, is repealed.".

2. In the title, strike lines 2 to 10 and insert:

"FOR AN ACT to amend section 39-6,131, Revised Statutes Supplement, 1980, relating to rules of the road; to change provisions relating to the use of certain tires as prescribed; and to repeal the original section.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 316.

Introduced by Koch, 12th District; Kilgarin, 7th District; Wesely, 26th District.

WHEREAS, the University of Nebraska at Lincoln men's gymnastic team has provided the people of the state with continued excitement and excellence in gymnastics; and

WHEREAS, the University of Nebraska at Lincoln men's gymnastic team won the Big Eight gymnastics championship for 1982; and

WHEREAS, the University of Nebraska at Lincoln men's gymanstics team this year won their fourth consecutive NCAA gymnastics team championship; and

WHEREAS, the coaches and members of the team have spent long hours in order to achieve such victories; and

WHEREAS, the citizens of the state should have an opportunity to express their appreciation for the efforts and accomplishments of the national college gymnastics champions from Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature wishes to congratulate the University of Nebraska at Lincoln men's gymnastics team and coaches for their accomplishments during the past year.
2. That a copy of this resolution be presented to the team.

Laid over.

LEGISLATIVE RESOLUTION 317.

Introduced by Kahle, 37th District; V. Johnson, 8th District; Landis, 46th District; Chronister, 18th District; Haberman, 44th District; Chambers, 11th District; Kilgarin, 7th District; Goll, 16th District.

WHEREAS, a fundamental axiom of the Nebraska and United States Constitutions is equal access to state government by all citizens; and

WHEREAS, for many citizens, the services of state government would be financially inaccessible except for the existence of the federal Legal Services Corporation; and

WHEREAS, it is likely that there will be a substantial decrease in federal funding for the Legal Services Corporation. That corporation currently funds three local legal service organizations in Nebraska which served twelve thousand Nebraska citizens last year; and

WHEREAS, the proper role of the state in assuring citizen access to state government is not clear and there is a pressing need to promptly determine that role when facing a decrease in the amount of federal funds for legal services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the study committee review statutes and policies pertaining to funding mechanisms as possible financial alternatives to the funding of the three legal service organizations in Nebraska by the federal Legal Services Corporation.
3. That the study committee seek public input, specifically from the legal services organizations of Nebraska, the Nebraska State Bar Association, the judiciary of the state, and groups representing eligible clients of the legal services organizations.
4. That the study committee upon the conclusion of its study make a report of its findings, together with its recommendation, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

President Luedtke announced Senator Kahle's birthday is today.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 127.

A BILL FOR AN ACT relating to surveys and surveyors; to amend sections 23-302, 23-1901, 23-1907, 23-1908, 23-1910, 23-1911, 39-1506, 81-8,122, 81-8,122.01, 84-407, and 84-409, Reissue Revised Statutes of Nebraska, 1943, section 23-1901.01, Revised Statutes Supplement, 1980, and section 33-116, Revised Statutes Supplement, 1981; to change provisions relating to county resurveys; to change certain duties of the county surveyors; to change the compensation of county surveyors as prescribed; to provide for a survey record repository; to change certain filing procedures; to provide duties and powers for the State Surveyor; to change the qualifications and compensation of the State Surveyor as prescribed; to eliminate certain provisions relating to chainmen and certificates of surveys; to create a fund and provide for its source and expenditure; and to repeal the original sections, and also sections 23-1902 and 23-1912, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Goll
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 6:

Duda
Goodrich
Haberman
Stoney
Von Minden
Wagner

Excused and not voting, 4:

Burrows
Kilgarin
Marvel
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 127A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 127, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Apking
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Pirsch
Remmers
Rumery
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 12:

Barrett	Goodrich	Nichol	Stoney
Duda	Haberman	Peterson, H.	Von Minden
Goll	Johnson, L.	Peterson, R.	Wagner

Excused and not voting, 3:

Kilgarin	Marvel	Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 672 to Select File

Mr. Beutler moved to return LB 672 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Beutler asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 672.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 12, of the Constitution of Nebraska, relating to revenue; to change certain finance provisions relating to the redevelopment of substandard or blighted property; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. That at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 12, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 12. For the purpose of rehabilitating, acquiring, or redeveloping substandard or blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed twenty years, on the assessed valuation of the property in the project area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.''.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> ''A constitutional amendment to provide for the rehabilitation of substandard or blighted property; and extend from fifteen to twenty years the period of time that certain assessed valuations will remain constant for the purpose of redeveloping substandard or blighted property.
> For
> Against''.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 28:

Apking
Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Clark
Cope
Goll
Haberman
Kahle
Lamb
Nichol
Remmers
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely

Excused and not voting, 3:

Kilgarin
Marvel
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass for the general election.

LEGISLATIVE BILL 605.

A BILL FOR AN ACT to amend sections 81-586 and 81-5,100, Reissue Revised Statutes of Nebraska, 1943, and sections 81-579 and 81-596, Revised Statutes Supplement, 1980, relating to the State Electrical Act; to change certain provisions relating to license renewal; to prohibit the lending of licenses; to impose a fee; to prohibit a requirement by political subdivisions; and to repeal the original sections.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Kilgarin
Marvel
Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 755. With Emergency.

A BILL FOR AN ACT to make an appropriation to provide for the payment of salaries of members of the Nebraska State Legislature, and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the period of July 1, 1982, to June 30, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Higgins
Koch
Von Minden

Excused and not voting, 3:

Kilgarin
Marvel
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 756. With Emergency.

A BILL FOR AN ACT to appropriate funds for the payment of the salaries of the officers of Nebraska State Government and payments to be made as provided by Chapter 68, article 6, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for the year ending June 30, 1983; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Koch
Newell

Excused and not voting, 3:

Kilgarin
Marvel
Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 933 to Select File

Mr. Koch moved to return LB 933 to Select File for the following specific amendment:
Section 1 of Req. #1806.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #1806.)

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Koch specific amendment found in this day's Journal was considered.

Mr. Fowler requested a ruling of the Chair on whether the Koch amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 7:

Beutler
Cullan
Fowler
Hoagland
Johnson, V.
Landis
Stoney

Voting in the negative, 32:

Apking
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Higgins
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Present and not voting, 8:

Barrett
DeCamp
Dworak
Hefner
Labedz
Lamb
Newell
Warner

Excused and not voting, 2:

Marvel
Schmit

The motion to overrule the Chair lost with 7 ayes, 32 nays, 8 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Koch specific amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 933 to Select File

Mr. Koch moved to return LB 933 to Select File for the following specific amendment:
Sec. 2 of Req. 1806

Mr. Wesely requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Wesely challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Wesely asked unanimous consent to withdraw his motion to challenge the Chair. No objections. So ordered.

Mr. Koch moved to suspend the rules, Rule 7, Section 3(d) and Rule 1, Section 12, to permit consideration of the Koch amendments contained in Req. 1806 to LB 933 without further debate on germaneness issues.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Koch motion to suspend the rules prevailed with 30 ayes, 8 nays, 9 present and not voting, and 2 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Koch moved to return LB 933 to Select File for the following specific amendment:
Sec. 2 of Req. 1806

The motion to return prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Koch specific amendment found in this day's Journal was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 933 to Select File

Mr. Koch moved to return LB 933 to Select File for the following specific amendment:
Sec. 4 of Req. 1806

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

The motion to return prevailed with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Koch specific amendment found in this day's Journal was considered.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

The Koch specific amendment was adopted with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 378A, 404A, 693, and 966.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 966

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 966:

1. New section 34 added by the Cullan amendment has been inserted as section 23 and subsequent sections renumbered accordingly.

2. New section 34 in the Warner amendments has been renumbered as 35, and sections 36 to 39 as 37 to 40.

3. In the Warner amendments (Req. 2905), page 1, lines 11, "23, and 36" has been stricken and "24, and 37" inserted; in line 12, "37" has been stricken and "38" inserted; and in line 14 "38" has been stricken and "39" inserted.

4. In line 4 of the title, after the E & R amendment thereto, "to limit the release of certain information; to rename and change the composition of a board; to amend" has been inserted.

5. In E & R 5, line 4 has been stricken through the fourth comma; and in line 8 "71-5842," has been inserted after the third comma.

6. In E & R 5, line 11, "and" has been stricken and "to provide operative dates" inserted; and in line 14 "; and to declare an emergency" has been inserted after "1980".

7. In the Approppriations Committee amendments adopted 4/1/82, an underscored comma has been inserted in amendment 1, line 4, after "(b)"; in line 5 the period has been moved and placed after the quotation marks and the underscoring removed; and in amendment 2, line 4, capitalization has been removed from "department".

8. On page 28 of Req. 2808, line 2, the semicolon has been stricken and an underscored period inserted.

9. In the last line of E & R amendment 1, "35" has been stricken and "36" inserted.

10. In the standing committee amendments, page 11, line 17, the first "and" has been stricken and an underscored comma inserted, and after "treasury" an underscored comma has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 318.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Labedz, 5th District; Duda, 14th District; Remmers, 1st District; Landis, 46th District.

PURPOSE:

In the State of Nebraska, national inflation and the high cost of money have greatly affected the state's financial markets, including, but not limited to: certificates of deposit, cetificates of indebtedness, mortgage notes, other notes payable, bonds, trusts, money market funds and securities. National economic conditions have resulted, at times, in the further eroding of Nebraska's financial and commercial enterprises.

The Legislature should study the following subjects in light of the above-stated economic background: the flow of major money sources in and out of this state; the effect of such major money flow on this state's agricultural, financial, and business economic sectors; the alleged increases in net incomes of certain financial institutions; the ownership structure between and among various financial institutions in this state; interest rates; short term certificates of deposit and indebtedness; trusts; money market funds; the oversight, regulation, and effectiveness of enforcement of sales of securities and commercial paper by the Department of Banking and Finance; the extension of credit; creditor-debtor relationships; and any other issue or issues determined by Committee members to be in need of addressing.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 319.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Labedz, 5th District; Duda, 14th District; Remmers, 1st District; Landis, 46th District.

PURPOSE:

Legislative oversight should continually be exercised to review the state of commerce and industry in Nebraska, and the inward and outward flow of goods, resources and services through Nebraska's economy. If the Legislature is committed to minimal but effective regulation of a free market system, it should be cognizant of economic policy decisions made at the state and federal levels of government and determine: (1) whether current Nebraska laws and regulations adopted pursuant to such laws are inadequate or mis-directed and need revision and amendment; (2) whether current Nebraska laws are too restrictive and, thus, impede the natural operation of the free market system; (3) whether current Nebraska laws are adequate, but enforcement or enactment of the policies behind such laws are inadequate; and (4) whether regulations adopted pursuant to commerce and finance laws are adequate or inadequate. Remedial legislation should be proposed, if indeed, statutory inadequacies are found.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Labedz, 5th District; Haberman, 44th District; Schmit, 23rd District; Duda, 14th District; Remmers, 1st District; Landis, 46th District.

PURPOSE:

The regulation of the insurance industry has traditionally been conducted by the state governments rather than the federal government. Therefore, it is a necessary and proper duty of the Legislature to exercise its power of legislative oversight by reviewing and determining the adequacy of this state's insurance laws and regulations. There are indications that in certain areas, state law and regulations are at times ineffective, outdated, partly or wholly inadequate, not effectively enforced, not addressing consumer issues, or in general need of reform.

In particular, a legislative interim study committee should examine this state's insurance investment code, surplus lines code, agency licensing code, and the relationship of liability insurance with the Nebraska Motor Vehicle Safety Responsibility Act. Furthermore, the committee should review company marketing practices, agents practices, cost containment, claims adjusting, return of premium dollars and return of investment, complaint procedures and general enforcement provisions, all involving life, health and accident, liability, fire, home, credit and other insurable risks available in the State of Nebraska.

In reviewing and investigating any of the above-mentioned issues or any other issues involving insurance should deem necessary for study, particular attention should be given to both industry and consumer cost-benefits and the state's role in regulating insurers doing business in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321.

Introduced by Haberman, 44th District.

PURPOSE:

To study the feasibility of establishing a separate Repeat Offender's Court in Nebraska for prosecuting repeat felons. The study should explore the possibility of establishing a separate court so that justice will be swiftly and surely imposed on chronic offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322.

Introduced by Haberman, 44th District.

PURPOSE:

To study the possibility of allowing the Governor or the appropriate state agency director to declare an emergency and allow higher load limits for trucks transporting crops to processing plants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323.

Introduced by Haberman, 44th District.

PURPOSE:

To study corporate chain ownership of nursing homes in Nebraska. Specifically, the study should include how many Nebraska nursing homes are owned by corporations, how many nursing homes are owned by out-of-state corporations and how do the rates of privately owned nursing homes compare with the rates of those owned by corporations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324.

Introduced by Haberman, 44th District.

PURPOSE:

To study the feasibility of requiring criminal offenders to pay for the expense of their incarceration. The study should include the possibility of civil actions being instituted by the proper authorities to recover from these offenders the expenses incurred by their confinement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Schmit, 23rd District; Labedz, 5th District; Duda, 14th District.

PURPOSE:

LR 218, introduced on February 5, 1982, by Senator Howard Peterson and Senator Elroy Hefner, was referred to the Banking, Commerce and Insurance Committee for a public hearing. The public hearing was held on February 22, 1982. At the public hearing, the co-introducers and committee members agreed that the issue should be reserved for interim study.

This resolution would allow the issues raised in LR 218 to be publicly addressed by means of an interim study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 326.

Introduced by Clark, 47th District.

WHEREAS, there are 87 Minuteman III missile silos presently located in the Nebraska Panhandle counties of Kimball, Cheyenne, and Banner, and

WHEREAS, Nebraska is under consideration by the United States Air Force as both a permanent and as an interim sitting area for the MX, and

WHEREAS, the "deceptive basing moade" would require additional construction of as many as 14 decoy silos around each existing Minuteman silo which is converted to an MX silo, and

WHEREAS, there has been no impact assessment released by the Air Force which addresses the economic, sociological, and environmental consequences of either interim or permanent basing of the MX in Nebraska, and

WHEREAS, there is likely to be profound disruption of our agricultural industry, our local business economy, the aquifer, our rural communities, and our way of life, and

WHEREAS, the recent studies of the Platte River and Missouri River basins suggest that there are inadequate water supplies to meet present competing demands and that increased demands anywhere throughout the drainage could disrupt water supply statewide as well as regionwide, and

WHEREAS, there is likely to be a substantial environmental impact, and

WHEREAS, there is considerable controversy surrounding the merits of the proposed siting plans and the failure of the Air Force to adequately and accurately inform the citizens of the state and the region as to the nature and impact of its plans, and

WHEREAS, the State of Nebraska has the responsibility for ensuring the public safety, health, and welfare of all its citizens;

THEREFORE, BE IT RESOLVED THAT THE 87TH LEGISLATURE, SECOND SESSION,

1. demand immediate disclosure to the citizens of Nebraska of the Air Force plans for MX deployment, both permanent as well as interim, in Nebraska, Wyoming, and Colorado;
2. investigate the Air Force contingency plans to provide adequate security personnel capable of ensuring the safety and health and livelihood of citizens of the proposed deployment area;
3. conduct studies, of both the permanent and interim siting plans, of the:
    a) economic impact of MX siting in the Panhandle upon the local business and agricultural industries, including tax implications;
    b) sociological impact of MX siting in the Panhandle upon our rural communities;
    c) economic impact of MX siting in the Panhandle upon the local property taxpayers who would be required to provide for and generally support the deployment infrastructure by

providing schools, roads, roadway expansion and improvement, health care, sewers, police and other social services; and

d) environmental impact upon our water, land, energy, mineral and wildlife resources.

4. conduct public hearings throughout the entire state, preferably with the cooperation of Air Force personnel as participants, to enable all our citizens to express their opinions, both in support and in opposition, and to generally educate themselves respecting the issues surrounding MX Deployment;

5. order a Study Committee to issue a full report, complete with recommendations for suggested legislation, to the Unicameral regarding the information gathered and the measures necessary to ensure the continued health, safety and general welfare, including security of property interests, of the citizens of Nebraska.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327.

Introduced by Hoagland, 6th District.

PURPOSE:

The purpose of this study is to examine the effectiveness of drunk driving legislation passed by the Legislature this session. Specifically, this study shall include an examination of whether:

1. The legislation passed has had any deterrent effect in reducing the number of alcohol related traffic accidents;

2. The mandatory sentence provisions and the mandatory suspension or revocation of the motor vehicle operator's license provisions found in other states, particularly California and Maine, have been a deterrent to alcohol related traffic accidents, and if so, which elements of such legislation have been the most effective in deterring such accidents.

3. Nebraska would benefit from adopting drunk driving legislation similar to such legislation found in Iowa, and if so, which elements of the Iowa legislation would be the most effective in deterring alcohol related traffic accidents in our state.

4. The legislation passed perpetuates the discrepancy between the formal provisions of the law providing for swift, severe, and certain punishment and the actual likelihood of apprehension and conviction;

5. Any statutory changes are necessary to increase the effectiveness of Nebraska's drunk driving legislation and to insure the health and safety of Nebraska citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 328.

Introduced by Hoagland, 6th District.

PURPOSE:

The purpose of this resolution is to study the findings and recommendations of the studies completed to date in the State Water Planning and Review Process, including the Water Quality study, Instream Flows study, Groundwater Reservoir Management study, and Selected Water Rights Issues study, and to draft appropriate legislation incorporating the most appropriate of the recommendations from these studies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Committee on Public Works of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee on Public Works shall, as a part of this study, conduct hearings on the studies in Omaha, Lincoln, and two appropriate locations in greater Nebraska.

3. That the Committee on Public Works draft for introduction in the Eighty-eighth Legislature, First Session, appropriate legislation implementing the most appropriate elements of the recommendations.

4. That the Committee on Public Works shall complete its study on or before December 31, 1982, and make a report of its findings together with its recommendations and proposed legislation to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 329.

Introduced by Beyer, 3rd District; R. Peterson, 21st District.

Purpose: To study the management, supervision and utilization of personnel and vehicles of the Department of Roads and the operation of the Transportation Service Bureau in its purchase of fuel and utilization of vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Transportation Advisory Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Committee shall upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 330.

Introduced by Nichol, 48th District.

PURPOSE:

The discovery and development of Nebraska's geothermal resources would be advantageous to the struggle of balancing the state's energy budget. Recent study has shown the potential for development of these resources in at least the western third of the state.

The development of this energy source as an integrated part of our energy supply will rely on the correct state resource to such questions as: Who owns the resource? Will its development conflict with current water or mineral rights? Is development cost effective? What type of permit system should be required prior to development?

It is essential that we begin to investigate the answers to these questions, if we are to develop this indigenous resource for the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or the Legislature.

Referred to the Executive Board.

MOTION - Return LB 933 to Select File

Mr. Koch moved to return LB 933 to Select File for the following specific amendment:
Section 5 & the balance of Req. 1806.

The motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Koch specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 933 to Select File

Mr. Kremer moved to return LB 933 to Select File for the specific amendment found in the Journal on page 1070.

Mr. Kremer asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Kremer moved to suspend Rule 7 Section 3(D) and Rule 1 Section 12 to permit consideration of the Kremer amendment on Journal Pg 1070 without further debate or amendment.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Kremer requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 22:

Apking
Burrows
Carsten
Chronister
Cope
DeCamp
Duda
Fowler
Haberman
Hefner
Higgins
Kahle
Kremer
Labedz
Lamb
Nichol
Peterson, R.
Remmers
Sieck
Stoney
Wagner
Warner

Voting in the negative, 21:

Barrett
Beutler
Beyer
Dworak
Fenger
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, H.
Pirsch
Vickers
Von Minden
Wesely
Wiitala

Present and not voting, 3:

Chambers
Clark
Rumery

Excused and not voting, 3:

Cullan
Marvel
Schmit

The Kremer motion lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 609A, 714A, 760, and 967.

(Signed) Karen Kilgarin, Chairperson

VISITORS

Visitors to the Chamber were 19 day care children and teachers from Family Services, Lincoln; 17 fourth grade students and teacher from Trinity Lutheran, Lincoln; 8 students and principal from Orleans High School; 12 seniors and teacher from Lincoln High School; 31 eighth grade students and teacher from Wakefield; 8 Campfire Girls and Leader from Mt. View, Omaha; members of Nebraska Advisory Committee to the U. S. Commission on Civil Rights: Dianne Myers, Charles Washington, and Gary Hill from Lincoln, and Melvin Jenkins, Regional Director from Kansas City, Missouri; and 48 fifth grade students and teacher from St. Cecilia, Omaha.

RECESS

At 12:06 p.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; Messrs. Burrows, Dworak, Lamb, Landis, Nichol, Schmit, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 331.

Introduced by Beyer, 3rd District.

WHEREAS, America's lifeline is its transportation system, allowing the unfettered movement of persons and property; and

WHEREAS, the quality of transportation services available in the United States from highways, rail, air and water is unequalled elsewhere; and

WHEREAS, May 16-22 is "National Transportation Week", an annual observance marking the role transportation plays in the lives of Americans; and

WHEREAS, Governor Thone has proclaimed the week of May 16 as "Transportation Week",

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature encourage all Nebraskans to honor the transportation industry by observing "Transportation Week" from May 16 through May 22, 1982.

Laid over.

LEGISLATIVE RESOLUTION 332.

Introduced by Sieck, 24th District; Hefner, 19th District

PURPOSE:

During the Second Session of the Eighty-Seventh Legislature, several appropriations questions arose regarding the funding of regional community based mental retardation services and of private and non-regional community services. The questions were made more difficult as a result of the complex special funding formula currently in place to move persons either from the institution or off of community waiting lists. In addition we have an attorney general's opinion of December 20, 1979 which raises further questions about the legal issues involved in the distribution of state funds to non-regional providers. Finally, we have the Department of Public Institutions providing state funding to both regional and non-regional providers in the same communities which appears to result in waste of state funds since both programs must maintain costly administrative services in the same community. Thus, the purpose of this study is to examine the issues stated above.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Withdraw Amendment to LB 761

Mr. Hoagland asked unanimous consent to withdraw his pending amendment to LB 761 found in the Journal on page 1616. No objections. So ordered.

MOTION - Return LB 761 to Select File

Messrs. Hoagland and Duda moved to return LB 761 to Select File for the following specific amendment:

(Amendments to Standing Committee Amendments, Req. 2729)
PURPOSE: To provide General Fund matching dollars for SSIG student aid programs at non-public postsecondary education institutions.
AMENDMENT:

On page 72, after line 5, insert "General Fund 120,044"; in line 7, strike "600,000" and insert "720,044"; in line 9, after "aid" insert "to postsecondary students"; in line 13, strike "and", and after the second "Colleges" insert ", and Postsecondary Education Coordinating Commission"; in line 15, after "amounts" insert "for eligible students attending the following institutions"; in line 16, strike "210,590" and insert "140,445"; in line 17, strike "111,040" and insert "74,054"; in line 18, strike "38,767" and insert "25,854"; and after line 18, insert "(d) Other postsecondary institutions 120,044".

On page 75, in line 2, strike "5,124,132" and insert "5,116,727"; in line 6, strike "8,652,812" and insert "8,645,407".

On page 77, in line 3, strike "9,346,423" and insert "9,329,579"; in line 7, strike "18,265,748" and insert "18,248,904".

On page 78, in line 22, strike "9,416,233" and insert "9,399,389"; in line 26, strike "18,350,558" and insert "18,333,714".

On page 79, in line 3, strike "2,940,656" and insert "2,936,642"; in line 7, strike "4,515,907" and insert "4,511,893".

On page 80, in line 22, strike "5,424,603" and insert "5,415,880"; in line 26, strike "9,528,859" and insert "9,520,136".

On page 86, in lines 2 and 3, strike "80,708,135" and insert "80,664,208"; in lines 10 and 11, strike "26,330,602" and insert "26,329,892"; in lines 25 and 26, strike "21,643,003" and insert "21,618,871".

On page 87, in lines 5 and 6, strike "43,560,297" and insert "43,558,211".

On page 111, in lines 6 and 7, strike "19,403,489" and insert "19,390,576".

The Bill Drafter's Office with assistance from the Fiscal Analyst's Office shall prepare the changes mandated by this amendment to the informational categories as part of the regular engrossing process.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hoagland requested a roll call vote on the motion to return.

Voting in the affirmative, 22:

Apking
Barrett
Beyer
Carsten
Cullan
DeCamp
Duda
Fenger
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Labedz
Peterson, H.
Peterson, R.
Remmers
Sieck
Vickers
Wesely

Voting in the negative, 21:

Clark
Cope
Dworak
Goll
Haberman
Johnson, V.
Kilgarin
Koch
Kremer
Lamb
Landis
Newell
Nichol
Pirsch
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 2:

Beutler Chronister

Excused and not voting, 3:

Burrows Marsh Marvel

Absent and not voting, 1:

Chambers

The Hoagland-Duda motion to return lost with 22 ayes, 21 nays, 2 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 333.

Introduced by Koch, 12th District.

PURPOSE: To study the philosophy and intent related to the role and mission for the Nebraska Common Schools. The study should include an examination of the intent of education for the elementary and secondary schools, goals and activities currently being implemented to meet the intent and goals or activities which may be necessary to fulfill the intent.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the provisions of the resolution.
2. That the committee use the resources of the education profession within the state in conducting the study.
3. That the committee shall upon conclusion of its study make a report of its findings, along with its recommendations to the Legislative Council or the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334.

Introduced by Schmit, 23rd District; Kremer, 34th District.

PURPOSE: The purpose of this resolution is to study alternatives for funding water projects, both large- and small-scale, in the State of Nebraska. Current funding mechanisms should be reviewed and their continued viability evaluated, particularly where federal funds have constituted a substantial portion of such programs. Current and proposed funding mechanisms in surrounding states should be reviewed to provide ideas for funding in Nebraka and to determine what effect, if any, the programs of surrounding states may have on water supplies in Nebraska. Specific needs of this state in terms of public water supplies, treatment facilities, and multi-purpose storage, irrigation, hydropower, and recreation capabilities should be documented. Various means of financing such projects should be analyzed, with emphasis on a stable and sizeable fund allowing the State of Nebraska to construct projects which will enable it to maximize the efficient and economic use of water. The means of developing such projects and allocating the funds to construct and maintain them should also be investigated, an administrative structure proposed, and legislation prepared to carry out the conclusions of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 335.

Introduced by Fowler, 27th District; Rumery, 42nd District; Goodrich, 20th District; Warner, 25th District; Cullan, 49th District.

PURPOSE: The purpose of this resolution is to study various aspects of retirement plans for public employees of the State of Nebraska and its political subdivisions. The study will address the issues of the benefits which are provided, and the costs thereof; potential alternatives for the process of paying retirement benefits; equity of pension benefits between sexes; the investment of retirement funds; the methods used for calculating interest payments on retirement accounts; and whether the various requirements for mandatory participation in the retirement plans should be continued.

The study shall also examine the impact of changes in federal tax laws and the effect of those changes on retirement planning. In addition, the potential for modification of the State Employees Retirement Plan to accommodate the special needs of secondary public safety employees will be addressed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EXPLANATION OF VOTE

In adopting the Cullan amendment to LB 753 (found on page 1493 of the Journal) it was not the intent of the introducer or of the Legislature to eliminate the cigarette tax increase. The sole intent was to earmark funds for a specific purpose.

(Signed) Calvin F. Carsten
(Signed) Sam Cullan

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 358 in the Journal. No objections. So ordered.

Req. #2947

1. Strike the original section and insert the following new sections:

“Section 1. That section 45-101.04, Revised Statutes Supplement, 1980, as amended by section 1, Legislative Bill 623, Eighty-seventh Legislature, Second Session, 1982, be amended to read as follows:

45-101.04. The limitation on the rate of interest provided in section 45-101.03 shall not apply to:

(1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to subsection (4) of section 8-319, sections 8-401 to 8-417, 8-815 to 8-823, 8-825 to 8-829, 21-1760 to 21-1764, 21-1766 to 21-1796, 21-1799 to

21-17,108, 21-17,110 to 21-17,119, 45-114, 45-116 to 45-140, or 45-142 to 45-155;

(2) Loans made to any corporation, partnership, or trust;

(3) The guarantor or surety of any loan to a corporation, partnership, or trust;

(4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;

(5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;

(6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (12) of section 8-1101, pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;

(7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and one-third per cent per month for any charges which remain unpaid for more than thirty days following rendition of the statement of account;

(8) A minimum charge of ten dollars per loan which may be charged by the lender in lieu of all interest charges;

(9) Loans described in subsection (4) of section 8-319 made by a state or federal savings and loan association at a rate not to exceed nineteen per cent per annum; or

(10) Loans made primarily for business or agricultural purposes, including livestock loans, or loans secured by real estate when such loans are made (a) by a licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance, (b) by any bank or savings and loan association chartered by the United States, ~~or~~ (c) by any lender approved by the Federal Housing Administration or Veterans' Administration, or (d) by any agricultural credit corporation or livestock loan company organized and authorized pursuant to state law.

Sec. 2. That original section 45-101.04, Revised Statutes Statutes Supplement, 1980, as amended by section 1, Legislative Bill 623, Eighty-seventh Legislature, Second Session, 1982, is repealed.''.

2. In the title, strike lines 2 through 4 and insert:
"FOR AN ACT to amend section 45-101.04, Revised Statutes Supplement, 1980, as amended by section 1, Legislative Bill 623, Eighty-seventh Legislature, Second Session, 1982, relating to interest; to provide an exception to an interest rate as prescribed; and to repeal the original section.".

MOTION - Reconsider LB 672

Miss Kilgarin moved to reconsider the vote on LB 672CA on Final Reading.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 761 to Select File

Mr. H. Peterson moved to return LB 761 to Select File for his specific amendment found in the Journal on page 1589.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. H. Peterson requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Apking
Beyer
Chronister
Clark
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner

Voting in the negative, 25:

Barrett
Beutler
Burrows
Carsten
Chambers
Cope
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Excused and not voting, 3:

DeCamp
Marsh
Marvel

The H. Peterson motion lost with 21 ayes, 25 nays, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336.

Introduced by Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Higgins, 9th District; Barrett, 39th District; Wesely, 26th District; Fenger, 45th District; Apking, 32nd District; R. Peterson, 21st District.

PURPOSE:

Several bills were considered by the Public Health and Welfare Committee during the 1982 Session of the Legislature regarding the regulation of various health care professions and occupations. These include dentists, dental hygienists, dental assistants, psychologists, pharmacists, chiropractors, and nurses. This study would examine all elements of the regulations of these professions and occupations. The study would also examine general concepts of regulation of all health care professions and occupations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 337.

Introduced by Public Health and Welfare Committee: Cullan, 49th District, Chairperson; Higgins, 9th District; Barrett, 39th District; Wesely, 26th District; Fenger, 45th District; Apking, 32nd District; R. Peterson, 21st District.

PURPOSE:

To undertake a study of the costs and benefits of medical and hospital care in Nebraska, the study shall include:

1. The advancements in medical science that have improved the quality of life and the cost impact of these advancements;
2. The impact on medical costs of the expansion of medical benefits by the federal, state, and third party coverage programs which have made health care available at no out of pocket costs to consumers;
3. The effect of requiring the consumer to pay a portion of health care costs so that Nebraskans will become more prudent purchasers of health care benefits;
4. The effect of requiring the offering of several different third party coverage programs and the provision of incentives for consumers to be prudent purchasers of health care benefits;
5. The effect and extent of training physicians, nurses, pharmacists, and all health care professionals in cost containing techniques by medical and health care professional schools, residency programs, and professional groups;
6. The effect of current Federal and State regulations to determine if they permit the government to pay less than its fair share of expenses incurred by hospitals and physicians for treating patients covered by Medicare and Medicaid, therefore, causing providers to charge private patients more to recover unreimbursed costs;
7. The impact of medical and health care professional training and education on health care costs;
8. Various alternatives to control Medicaid costs in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Health and Welfare Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Public Health and Welfare Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338.

Introduced by Wesely, 26th District; Chambers, 11th District.

PURPOSE:

The Legislature has considered and passed a number of bills during the 1982 session authorizing the issuance of tax-exempt bonds to bring capital into the state to invest in a variety of projects. The purpose of this study is to examine the extent to which Nebraska capital is now being invested outside of the state and how to redirect such investment to meet Nebraska's needs. For example, the Legislature should review pension funds to identify whether a Nebraska-oriented investment portfolio would continue to bring a high investment return while providing needed financial resources for Nebraska. Such an investment program would improve the economy of the state by promoting economic activity and reducing unemployment. The Nebraska Mortgage Finance Fund should be considered as a potential coordinating point for this effort.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339.

Introduced by Wesely, 26th District.

PURPOSE:

To study potential tax incentives to increase jobs in the State of Nebraska. With many Nebraskans out of work, the need to examine ways to increase employment in Nebraska is a primary concern for the state. Efforts to promote business expansion through tax incentives would be reviewed in terms of their effect on increasing employment within the state by providing jobs to Nebraskans who need work.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Withdraw Amendment to LB 761

Mr. Warner asked unanimous consent to withdraw the pending Appropriations Committee amendment to LB 761 found in the Journal on page 1651. No objections. So ordered.

MOTION - Return LB 761 to Select File

Mr. Warner moved to return LB 761 to Select File for the following Appropriation Committee specific amendment:

Amendment to LB 761 as Amended by Standing
Committee Amendment (Req 2729) as Amended
Through April 1, 1982

On page 1, in lines 12 and 13, strike "830,437" and insert "630,437".

On page 2, in lines 16 and 17, strike "162,330" and insert "112,330".

On page 3, in lines 13 and 14, strike "4,896,994" and insert "4,646,994".

On page 4, in line 1, strike "8,326,237" and insert "8,308,132"; in line 3, strike "8,333,237" and insert "8,315,132"; in line 21, strike "8,417,146" and insert "8,399,041"; in line 23, strike "8,424,146" and insert "8,406,041"; in line 27, strike "96,457" and insert "93,563".

On page 5, in line 1, strike "96,457" and insert "93,563"; in lines 5 and 6, strike "2,819,109" and insert "2,814,878"; in lines 11 and 12, strike "2,915,566" and insert "2,908,441".

On page 9, in lines 16 and 17, strike "1,064,628" and insert "1,052,166"; in line 19, strike "788,117" and insert "778,117".

On page 10, in lines 6 and 7, strike "1,128,805" and insert "1,116,343".

On page 14, in line 18, strike "35,397,695" and insert "35,098,876"; in line 21, strike "44,024,709" and insert "43,725,890"; in line 26, strike "34,732,488" and insert "34,433,669".

On page 18, in line 24, strike "142,582,203" and insert "142,283,384".

On page 19, in line 1, strike "199,078,518" and insert "198,779,699".

On page 20, in line 14, strike "7,882,507" and insert "7,832,507" in line 16, strike "8,119,599" and insert "8,069,599"; after line 18, insert "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated."

On page 21, in line 1, 2, and 7, strike "30,516,000" and insert "30,297,815"; in line 13, strike "39,688,588" and insert "39,420,403"; in line 16, strike "40,842,138" and insert "40,573,953".

On page 24, in line 24, strike "471,591" and insert "371,591"; in line 25, strike "277,966" and insert "377,966".

On page 25, in lines 4 and 6, strike "76,500" and insert "176,500".

On page 28, in line 18, strike "2,902,105" and insert "2,802,105"; in line 19, strike "4,155,925" and insert "4,255,925".

On page 34, strike lines 20 through 24 and insert "The unexpended General Fund balance existing on June 30, 1982, is hereby reappropriated in an amount not to exceed $400,000." In line 27, strike "4,726,996" and insert "4,326,996".

On page 35, in line 3, strike "19,365,383" and insert "18,965,383".

On page 38, in line 18, strike "2,902,929" and insert "2,856,949"; in line 20, strike "3,962,384" and insert "3,916,404".

On page 39, in line 23, strike "3,913,718" and insert "3,867,738"; in line 26, strike "6,019,607" and insert "5,973,627".

On page 48, in line 22, strike "and reappropriation".

On page 52, in line 17, strike "2,038,267" and insert "1,968,654"; in line 20, strike "3,374,947" and insert "3,305,334; in line 25, strike "1,925,950" and insert "1,856,337".

On page 54, in line 3, strike "2,038,267" and insert "1,968,654"; in line 6, strike "235,035,614" and insert "234,966,001".

On page 55, in line 22, strike "1,434,223" and insert "1,410,968"; in line 24, strike "1,444,823" and insert "1,421,568".

On page 56, in line 2, strike "73,520" and insert "50,265"; in line 7, strike "1,434,223" and insert "1,410,968"; in line 9, strike "1,444,823" and insert "1,421,568"; in lines 20 and 21, strike "250,000" and insert "150,000".

On page 57, in line 14, strike "295,445" and insert "286,701"; in line 17, strike "1,240,820" and insert "1,232,076".

On page 58, in line 9, strike "2,598,356" and insert "2,489,612"; in line 13, strike "4,734,319" and insert "4,625,575".

On page 61, in line 6, strike "1,861,892" and insert "1,841,892"; in line 8, strike "2,915,156" and insert "2,895,156"; in line 18, strike "5,911,250" and insert "5,891,250"; in line 20, strike "19,417,431" and insert "19,397,431".

On page 62, in line 12, strike "199,482" and insert "189,335"; in line 14, strike "255,482" and insert "245,335".

On page 63, in line 12, strike "1,519,829" and insert "1,509,682"; in line 15, strike "2,073,672" and insert "2,063,525".

On page 70, in line 6, strike "2,667,152" and insert "2,658,348"; in line 8, strike "2,729,848" and insert "2,721,044".

On page 71, in line 3, strike "28,546,685" and insert "28,537,881"; in line 7, strike "33,317,170" and insert "33,308,366"; in line 12, strike "4,027,626" and insert "4,001,941"; in line 14, strike "4,067,626" and insert "4,041,941"; strike lines 25, 26, and 27.

On page 72, strike line 1.

On page 77, in line 3, strike "9,346,423" and insert "9,302,003"; in line 7, strike "18,265,748" and insert "18,221,328"; in line 14, strike "5,826,276" and insert "5,798,586"; in line 16, strike "8,073,375" and insert "8,045,685"; in line 18, strike "77,558" and insert "77,189"; in line 20, strike "109,677" and insert "109,308"; in line 22, strike "14,246" and insert "14,178"; in line 24, strike "24,778" and insert "24,710"; in line 26, strike "1,125,654" and insert "1,120,304".

On page 78, in line 1, strike "1,562,617" and insert "1,557,267"; in line 3, strike "539,248" and insert "536,685"; in line 5, strike "1,030,782" and insert "1,028,219"; in line 7, strike "638,046" and insert "635,014"; in line 9, strike "1,264,745" and insert "1,261,713"; in line 11, strike "1,125,395" and insert "1,120,047"; in line 13, strike "1,562,619" and insert "1,557,271"; in line 22, strike "9,416,233" and insert "9,371,813"; in line 26, strike "18,350,558" and insert "18,306,158".

On page 86, in lines 2 and 3, strike "80,708,135" and insert "80,432,635"; in lines 10 and 11, strike "26,330,602" and insert "26,240,602"; in lines 19 and 20, strike "627,024" and insert "625,024"; in lines 25 and 26, strike "21,643,003" and insert "21,569,003".

On page 87, in lines 5 and 6, strike "43,560,297" and insert "43,411,797".

On page 88, in line 24, strike "956,341" and insert "947,035"; in line 27, strike "1,146,669" and insert "1,137,363".

On page 89, in line 2, strike "871,809" and insert "863,579"; in line 4, strike "299,751" and insert "264,751"; in line 6, strike "331,751" and insert "296,751"; in line 27, strike "1,817,656" and insert "1,773,350".

On page 90, in line 3, strike "2,266,984" and insert "2,222,678".

On page 91, in line 16, strike "undisbursed" and insert "unexpended".

On page 95, in lines 13 and 14, strike "5,967,287" and insert "5,817,287".

On page 96, in line 24, strike "12,013,410" and insert "11,863,410"; in line 26, strike "16,988,410" and insert "16,838,410".

On page 97, in line 5, strike "96,781" and insert "20,529"; after line 5, insert "REVOLVING FUND 76,252".

On page 99, in line 5, strike "1,433,477" and insert "1,408,477"; in line 7, strike "1,560,214" and insert "1,535,214"; in line 12, strike "4,015,622" and insert "3,914,370"; in line 14, strike "29,213,633" and insert 29,289,885"; in line 15, strike "34,570,431" and insert "34,545,431".

On page 101, in lines 8 and 15, strike "258,989" and insert "255,906"; in line 10, strike "591,546" and insert "588,463"; in line 20, strike "479,785" and insert "476,702"; in line 23, strike "881,981" and insert "878,898".

On page 102, in line 2, strike "563,350" and insert "557,992"; in line 5, strike "6,494,318" and insert "6,488,960".

On page 104, in line 2, strike "2,321,781" and insert "2,296,781"; in line 5, strike "14,728,863" and insert "14,703,863"; in line 10, strike "195,280" and insert "170,280"; in line 17, strike "75,000" and insert "50,000".

On page 105, in line 4, strike "2,491,493" and insert "2,466,493"; in line 7, strike "15,780,391" and insert "15,755,391".

On page 108, in lines 7 and 8, strike "119,999" and insert "107,278"; in line 13, strike "62,721" and insert "50,000"; in line 22, strike "474,595" and insert "461,874"; in line 25, strike "1,510,871" and insert "1,498,150".

On page 112, in lines 7, 8, and 13, strike "2,700,000" and insert "2,600,000"; in line 19, strike "3,599,199" and insert "3,499,199"; in line 22, strike "6,322,578" and insert "6,222,578".

On page 118, in line 20, strike "one" and insert "nine"; in line 23, strike "and"; in line 24, strike "nine hundred thousand" and insert "one million"; in line 25, after the comma, insert "(4) fifty thousand dollars from the State Athletic Commission Cash Fund, (5) four hundred fifty thousand dollars from the State Office Building Fund, and (6) nine hundred sixty thousand dollars from the Downtown Education Center and Office Rental Fund,"; in line 26, strike "General Fund on" and insert "Nebraska Capital Construction Fund on or before".

On page 140, strike beginning with "and" in line 26 through line 27.

On page 141, strike lines 1 through 11; in line 20, strike "3,473,823" and insert "2,493,972"; in line 21, strike "2,440,000" and insert "3,419,851".

On page 147, in line 10, insert after the period "Of the unexpended balance existing on June 30, 1982, in Program 908, (1) $250,000 is hereby appropriated to the Department of Administrative Services for Program 900, (2) $50,000 is hereby appropriated to the Department of Administrative Services for Program 902, and (3) $25,000 is hereby appropriated to the Nebraska Law Enforcement Training Center Fund, for the fiscal year ending June 30, 1983."

This portion of the
Amendment to LB 761 (Green Copy)

On page 78, in line 19, strike "State Building Fund" and insert "Nebraska Capital Construction Fund."

On page 83, in line 20, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 84, in line 19, strike "650,000" and insert "500,000"; in line 20, strike "State Building Fund" and insert "Nebraska Capital Construction Fund"; in line 22, strike "327,270" and insert "477,270".

On page 85, in line 2, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 86, in line 26, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 87, in line 19, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 89, in line 9, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 92, in lines 1 and 2 and lines 11 and 12, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 93, in lines 1 and 2, strike "State Building Fund" and insert "Nebraska Capital Construction Fund".

On page 94, in lines 19 and 20, strike "140,000 from the State Building Fund" and insert "115,000 from the Nebraska Capital Construction Fund".

Strike original sections 104, 122 and 124.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Warner motion to return prevailed with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Cullan asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 761. The Appropriations Committee specific amendment found in this day's Journal was considered.

Miss Kilgarin moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Appropriations Committee specific amendment was adopted with 29 ayes, 4 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 340.

Introduced by Kilgarin, 7th District; DeCamp, 40th District.

Purpose:

WHEREAS, the State of Nebraska must exercise a legitimate interest in practices regarding the buying and selling of real estate; and,

WHEREAS, notwithstanding provisions of federal law, state law remains unclear on the extent to which banks and trust companies may engage in the active buying and selling of real estate, particularly the acquistion of family farm property; and,

WHEREAS, the acquistion of real estate by a bank, other than as part of a mortgage, trust agreement, or element of satisfaction upon a debt or as a purchase at sale, raises questions of public policy; and,

WHEREAS, a study should subsequently be made on whether banks in the state should be allowed to engage in real estate brokerage, real property management, and real estate development, syndication and appraisal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Von Minden, 17th District; Pirsch, 10th District; Sieck, 24th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District.

PURPOSE:

The purpose of this interim study is to consider the development of standards for the use of cameras in Nebraska courtrooms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 342.

Introduced by Judiciary Committee: Nichol, 48th District, Chairperson; Chambers, 11th District; Von Minden, 17th District; Pirsch, 10th District; Sieck, 24th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District.

WHEREAS, Nebraska, since 1979 has sought to compensate victims of crimes through the Nebraska Crimes Reparations Board; and

WHEREAS, adequate compensation to victims has not been provided through this method as victims' claims have vastly exceeded available funds; and

WHEREAS, if programs of victim reparations are to be successful, alternate methods of funding should be explored:

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to evaluate the crime victims' reparation process and explore alternative funding mechanisms.

2. That the committee designated to conduct such studies shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343.

Introduced by Judiciary Committee: Nichol, 48th District; Chambers, 11th District; Von Minden, 17th District; Pirsch, 10th District; Sieck, 24th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District.

PURPOSE:

The purpose of this interim study is to consider the use of wiretapping. The Judiciary Committee intends to study all aspects of wiretapping.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344.

Introduced by Judiciary Committee: Nichol, 48th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District; Von Minden, 17th District; Chambers, 11th District; Pirsch, 10th District; Sieck, 24th District.

PURPOSE:

The purpose of this interim study is to utilize the legislative public hearing process to evaluate various proposals for changes in criminal procedure offered by the Nebraska County Attorneys Association, the Nebraska Criminal Defense Attorneys Association; and various judicial groups throughout the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 345.

Introduced by Judiciary Committee: Nichol, 48th District; Kilgarin, 7th District; Chronister, 18th District; Beyer, 3rd District; Chambers, 11th District; Pirsch, 10th District; Von Minden, 17th District; Sieck, 24th District.

PURPOSE:

The purpose of this interim study is to coordinate efforts being made by the Judiciary Committee and various Nebraska Bar Association and Supreme Court Drafting Committees with regard to problem areas in our law governing civil procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 346.

Introduced by Wesely, 26th District.

PURPOSE:

To study public involvement in the Legislative process. Legislative rules and procedures should be reviewed to identify whether they encourage or inhibit public involvement. Rule changes would be recommended to increase legislative public participation. The study would look at specific segments of the public, including out-state citizens, state employees and others to determine if there are specific problems or concerns which should be addressed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347.

Introduced by Wesely, 26th District.

PURPOSE:

To examine the need for various tax exemptions and tax expenditures in Nebraska. The study would examine the revenue loss resulting from such tax exemptions and expenditures, their cost/benefit to the taxpayer, and the necessity for maintaining current tax exemptions and expenditures in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 348.

Introduced by Wesely, 26th District.

PURPOSE:

The intent of this resolution is to study the level of unfunded liabilities for various pension plans for municipal employees in Nebraska's cities. The study would also examine the need for legislation to limit the allowable level of unfunded liability for municipal pension funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Retirement Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 761 to Select File

Mr. V. Johnson moved to return LB 761 to Select File for the following specific amendment:

(Amendments to the Standing Committee Amendments
to LB 761 (Req. #2729)

PURPOSE: To provide funding for the development and implementation of the computerized County Information Support System (CISS).

AMENDMENT:

On page 47, in line 19, strike "12,567,529" and insert "13,055,789"; in line 21, strike "34,888,841" and insert "35,377,101"; on page 52, line 6, strike "94,179,319" and insert "94,667,579"; in line 9, strike "277,683,257" and insert "278,171,517".

Mr. Fowler asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson motion to return lost with 2 ayes, 18 nays, 25 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 349.

Introduced by Fowler, 27th District.

PURPOSE:

To study the effects of the Reagan administration tax proposals in the State of Nebraska. Specifically, the study should examine changes in the corporation tax laws that have been enacted as well as those changes which have been proposed and analyze their effect on the economy of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350.

Introduced by Fowler, 27th District.

WHEREAS, the Federal Land and Water Conservation Fund provides grants to states and local subdivisions of government for the establishment or renovation of park and recreation facilities; and

WHEREAS, the funding level during federal fiscal year 1981 was $100 million, of which $1.1 million was allocated to the State of Nebraska; and

WHEREAS, funding of this program was eliminated for fiscal years 1982 and 1983.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to examine the effects of the elimination of these grants on the State of Nebraska and its local subdivisions of government.
2. That the committee shall upon conclusion of this study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351.

Introduced by Fowler, 27th District.

WHEREAS, the Environmental Protection Agency Construction Grants provide funding to the states and local subdivisions of government for the renovation and construction of waste water treatment plants; and

WHEREAS, the State of Nebraska has identified projects to be funded by these grants; and

WHEREAS, the federal funding for these projects have been systematically reduced each year since federal fiscal year 1978; and

WHEREAS, the proposed projects have not proceeded as planned due to these reductions in funding.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee be designated to conduct an interim study to examine the effects of this program cut on Nebraska and its local subdivisions of government.
2. That the committee shall upon conclusion of this study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352.

Introduced by Fowler, 27th District.

PURPOSE:

To study the effects of the proposed federal budget reductions in direct loans on the State of Nebraska. Specifically, the study should focus on the reductions in direct loans through the Farmers Home Administration, decreases in direct loans for rural housing, and reductions in Commodity Credit Corporation loans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353.

Introduced by Fowler, 27th District.

PURPOSE:

To study the effects of the proposed federal budget cuts in federal direct grants to Nebraska and its local subdivisions of government. Specifically, the study should be directed at reductions of grants in elementary, secondary and vocational education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 354.

Introduced by Fowler, 27th District.

PURPOSE:

To study the effects of the proposed federal budget cuts in federal direct grants to Nebraska and its local subdivisions of government. Specifically, the study should explore the effects of reductions in Highway Grants and the Urban Mass Transportation Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 355.

Introduced by Fowler, 27th District.

PURPOSE: To study the effects of the proposed federal budget reductions in federal direct grants to Nebraska and its local subdivisions of government. Specifically, the study should examine the effects of reductions and eventual elimination of Energy Conservation Grants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 356.

Introduced by Fowler, 27th District.

PURPOSE: To study the effects of the proposed federal budget reductions on the food stamps and aid for families with dependent children (AFDC) programs in Nebraska. In conjunction with the proposed cuts, work requirements would be strengthened and there would be more benefit reductions resulting from additional income.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357.

Introduced by Fowler, 27th District.

WHEREAS, President Reagan's budget for fiscal year 1983 proposes reductions in benefit payments to individuals; and

WHEREAS, several means-tested programs such as food stamps and Medicaid will be affected by the proposed budget cuts; and

WHEREAS, these proposals mandate that the states' share of the cost of Medicaid would increase while the federal share would be lowered; and

WHEREAS, if the proposed budget were adopted, Medicaid beneficiaries would be required to make copayments in order to receive vital services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to examine the effects of the proposed budget cuts in the Medicaid program on the State of Nebraska.

2. That the committee shall upon conclusion of this study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358.

Introduced by Wesely, 26th District; Fowler, 27th District; Kremer, 34th District; Beutler, 28th District; DeCamp, 40th District; Koch, 12th District; Hoagland, 6th District.

PURPOSE:

The economy and commerce of the State of Nebraska is reliant upon the availability, affordabiltiy, and quality of the resources which support it: the human resources which are found in our state's hard working labor force; the water resources which are essential to agricultural irrigation, industrial plants, livestock industry, and domestic needs; the land resources which provide for Nebraska's bountiful agricultural production; and the energy resources which fuel our industry, commerce, and nearly every aspect of our daily lives.

The people of the State of Nebraska are in an era of ever increasing energy costs, decreasing availability of long-range conventional energy resources, and a growing reliance on unreliable sources of imported energy. This continuing situation has, is, and will cause disruptions in Nebraska's economy.

The economic crisis which exists in Nebraska and this nation is being caused in part by double digit increases in the cost of essential energy resources. If Nebraska fails to address the energy crisis in the near future, it will result in further harm to our ability to effectively compete with other market regions. States which more effectively address their energy problems will have a better chance of emerging from the present national recession with significantly stronger and independent economies than will Nebraska.

The people, the Legislature, and the Governor of the State of Nebraska must develop a better understanding of the energy situation as it concerns Nebraska and Nebraskans. The public and private sectors in Nebraska must join together to develop a comprehensive state and local strategy to deal with the high cost of energy. The Legislature must assume a strong leadership role in developing a comprehensive state energy policy to become more energy efficient and independent from costly foreign sources of energy.

The primary goal of this study is to involve interested Nebraskans and members of the Nebraska Legislature in the development of solutions to our energy problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359.

Introduced by Hoagland, 6th District; Duda, 14th District; Carsten, 2nd District.

WHEREAS, many citizens have expressed their concern over the loss of trees in Nebraska, and woodland areas are being removed at an alarming rate; and

WHEREAS, the loss of trees affects Nebraska's wildlife, beauty, soil protection, temperature, chill index, air purification, crops, and recreation activities; and

WHEREAS, farm, civic, and governmental agencies and individual citizens are urged to join together to emphasize that trees are important for people to plant, to enjoy, and to use; and

WHEREAS, people are encouraged to regenerate this renewable resource by planting 2, 200, 2,000 or 20,000 trees;

NOW, THEREFORE, the legislature of the State of Nebraska commends the Plant Two Trees program, those who are participating; and urges all Nebraskans to take part in this important program to replace Nebraska's lost trees.

Laid over.

MOTION - Return LB 761 to Select File

Mr. Hoagland moved to return LB 761 to Select File for the following specific amendment:

(Amendments to Req. 2729)

1. On page 41, lines 20 and 21, strike "1,729,000" and insert "1,343,731"; and in line 23, strike "500,000" and insert "114,731".

2. On page 42, line 3, after the period insert "During the 1982-83 fiscal year, as client vacancies become available in either residential or vocational services, the community-based services shall fill those

vacancies pursuant to the intent stated in this subsection for the use of Program No. 035 funds for new placements.”.

3. On page 43, lines 18, 19, and 21, strike “15,512,968” and insert “15,898,237”.

4. On page 44, line 2, strike “1,111,943” and insert “1,149,989”; in line 6, strike “1,949,593” and insert “1,987,639”; in line 8, strike “836,962” and insert “869,430”; in line 12, strike “1,816,754” insert “1,849,222”; in line 14, strike “2,400,254” insert “2,454,690”; in line 18, strike “4,163,107” and insert “4,217,543”; in line 20, strike “2,190,129” and insert “2,131,399”; in line 24, strike “3,765,533” and insert “3,706,803”; in line 26, strike “4,093,152” and insert “4,234,300”.

5. On page 45, line 3, strike “7,159,645” and insert “7,300,793”; in line 5, strike “4,880,528” and insert “5,058,429”; in line 9, strike “8,965,380” and insert “9,143,281”; in line 11, strike “15,512,968” and insert “15,898,237”; in line 15, strike “27,820,012” and insert “28,205,281”.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Hoagland motion to return lost with 18 ayes, 15 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Hoagland moved to suspend the rules and have a call of the house on the consideration of Hoagland motion to return LB 761 to Select File for specific amendment.

The motion to suspend the rules lost with 20 ayes, 13 nays, 13 present and not voting, and 3 excused and not voting.

Messrs. Beutler and Chambers moved to return LB 761 to Select File for the following specific amendment:

On page 1, in lines 12 and 13, strike “630,437” and insert “730,437”;

On page 3, in lines 13 and 14, strike “4,646,994” and insert “4,746,994”.

Mrs. Marsh and Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved for a Call of the House. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Beutler requested a roll call vote on the motion to return.

Voting in the affirmative, 16:

Beutler
Burrows
Chambers
DeCamp
Fowler
Higgins
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 26:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Dworak
Goll
Goodrich
Hefner
Hoagland
Johnson, L.
Kahle
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 2:

Duda
Fenger

Excused and not voting, 5:

Cullan
Haberman
Marsh
Marvel
Schmit

The Beutler-Chambers motion lost with 16 ayes, 26 nays, 2 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 360.

Introduced by Wiitala, 31st District; Landis, 46th District; Beyer, 3rd District.

PURPOSE:
To study the scope of services that Sanitary and Improvement Districts may appropriately be permitted to offer their residents. The study will focus on services such as garbage hauling in an effort to

define necesary limitations on statutorily authorized services to be provided by Sanitary and Improvement Districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361.

Introduced by DeCamp, 40th District.

Whereas, the prisoners of the Nebraska State Penal Complex by written documentation of prison officials are in a condition now where between 85 and 90 percent of the prisoners do no work whatsoever and have no work; and

WHEREAS, Nebraska's prison system is either second or third most expensive in the United States; and

WHEREAS, a system should be developed for prison industries in which prisoners work to help pay the cost of their expenses, to develop funds for when they are released, to develop skills, and do all the other things associated with the work ethic; and

WHEREAS, the current system of the prison is tantamount to disaster in the area of prison industries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature's Judiciary Committee with the participation of the sponsor of this resolution conduct a detailed interim study on what is necessary to put the prisoners to work and cut the cost of maintenance of the prison system.

2. That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Lamb announced an Executive Board meeting at noon tomorrow in Room 2102.

MOTION - Return LB 761 to Select File

Mr. Koch moved to return LB 761 to Select File for the following specific amendment:

On page 1653 of the Journal on page 62 in line 12, strike 189,335, and reinsert 199,482, in line 14 strike $245,335 and reinsert $255,482.

Mr. Koch moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Koch requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

Barrett
Beutler
Chambers
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Newell
Nichol
Remmers
Schmit
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 19:

Beyer
Carsten
Clark
Cope
Duda
Goll
Hefner
Johnson, L.
Kahle
Lamb
Landis
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Von Minden
Warner

Present and not voting, 6:

Apking
Burrows
Chronister
DeCamp
Dworak
Fenger

Excused and not voting, 4:

Cullan
Haberman
Marsh
Marvel

The Koch motion to return lost with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

MOTION - Reconsider Action on LB 761

Messrs. Koch and Wiitala moved to reconsider our action and return LB 761 to Select File for a specific amendment, the Hoagland, Warner, Marsh, Rumery, Vickers, Haberman, Goodrich, and V. Johnson amendment.

Mr. Burrows asked unanimous consent to be excused. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Koch requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 27:

Beutler
Beyer
Chambers
Chronister
Duda
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 16:

Barrett
Carsten
Clark
Cope
DeCamp
Dworak
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden

Present and not voting, 1:

Apking

Excused and not voting, 5:

Burrows
Cullan
Haberman
Marsh
Marvel

The Koch-Wiitala motion prevailed with 27 ayes, 16 nays, 1 present and not voting, and 5 excused and not voting.

MOTION - Return LB 761 to Select File

Mr. Hoagland moved to return LB 761 to Select File for the Hoagland-Warner-Marsh-Rumery-Vickers-Haberman-Goodrich-V. Johnson amendment found in this day's Journal.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Hoagland moved for a Call of the House. The motion prevailed with 12 ayes, 8 nays, and 29 not voting.

Mr. Hoagland requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Beutler
Chambers
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Dworak
Goll
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden

Present and not voting, 4:

Apking
Beyer
Fenger
Warner

Excused and not voting, 5:

Burrows
Cullan
Haberman
Marsh
Marvel

The Hoagland motion lost with 22 ayes, 18 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

(Amendment to Landis-DeCamp Amendment on Page 1459)
1. On page 1, in line 6, strike "one" and insert "two".

Mr. Warner asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

1. On page 2, line 10, after the first "year" insert ", except that for the period June 1 through December 31, 1982, the rate of the sales tax shall be three and one half per cent".

Mr. Warner asked unanimous consent to print the following amendment to LB 933 in the Journal. No objections. So ordered.

Add the following new section:
"There is hereby appropriated (1) $3,100 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $3,100 from the General Fund for the period July 1, 1983, to June 30, 1984, to the Nebraska State Patrol, for Program 189, to aid in carrying out the provisions of Legislative Bill 933, Eighty-seventh Legislature, Second Session, 1982."

RESOLUTIONS

LEGISLATIVE RESOLUTION 362.

Introduced by Wesely, 26th District; Cullan, 49th District.

PURPOSE:
To examine the possible establishment of uniform licensing, taxes, and weight/size restrictions for all highway freight carrying vehicles as proposed in recommendation number 57 of the Governor's Task Force for Government Improvement, 1980. As the Task Force recommended, all those who transport heavy freight should share equally in the maintenance and protection of our highways. With this true user fee concept in mind the study should explore the cost and benefits of implementing such a policy. The study should examine the tax savings which would result from such a proposal (estimated by the Task Force to be $15 million annually) and the affect it will have on interstate and intrastate commerce and our state highway system.

To examine the causes of deterioration of Nebraska's primary and secondary roads and bridges for purposes of allocating the costs of maintaining our road system among the various classes of users. The study should also examine the current method of financing highway and bridge improvement and maintenance in Nebraska to determine if changes in the tax structure are needed to assure that the tax burden placed upon each class of user reflects costs associated with that use as nearly as practical. The study should further determine if the existing road financing method is adequate to keep our roads and bridges in good repair and recommend new revenue measures if needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Public Works Committee work with the Department of Roads, the State Highway Commission, the Governor's Task Force for Government Improvement and other state agencies and citizens in conducting the study.
3. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363.

Introduced by Cullan, 49th District; Wesely, 26th District.

PURPOSE:

The maintenance and construction divisions of the Nebraska Department of Roads base the design life of roads on the amount of heavy truck traffic that uses a given stretch of road. Heavier and longer trucks have been shown to be a major source of highway failure by increasing road wear and tear and reducing the life of new and existing highways and bridges, while increasing road and bridge maintenance costs by up to 20%, costs already estimated to be $214.8 million in fiscal year 1983.

Longer and heavier trucks also pose a serious safety threat to all motorists because of increased braking and passing distances, slower acceleration rates and incrased hazards during travel in inclement weather.

The trucking industry and the Federal Government have stated that other measures, such as diesel engines, radial tires, fan clutches, aerodynamic devices, and observing the speed limit would save twice as much fuel as using triple trailer trucks and both contend that federal weight limits of 80,000 pounds make triple trailer trucks less rather than more fuel and cost efficient.

The purpose of this interim study is to examine the effects of longer and heavier trucks, including overweight and triple trailer trucks on

1) the safety of other motorists;
2) the amount and costs of road damage;
3) fuel efficiency;

and to offer comparisons of highway user fees paid by heavy trucks and other motor vehicles and alternative methods for conserving fuel by heavy commercial trucks.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1) That the Public Works Committee of the Legislature be designated to conduct an interim study to carry out the purposes of this resolution.

2) That the Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364.

Introduced by Fowler, 27th District.

Purpose:

The purpose of this resolution is to study the quality of education offered by the University of Nebraska as it directly relates to funding provided by the Nebraska Legislature. As the major higher educational institution of the state, the University of Nebraska educates thousands of Nebraska citizens. Because of its widespread impact, its imperative that the University offer an education that is at least comparable to that found in other states. Questions concerning the quality of education need to be resolved in order to ensure that the University receives adequate funding in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Appropriations Committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365.

Introduced by Wesely, 26th District.

PURPOSE:

The intent of this resolution would be to study the feasibility of developing a waste rubber processing plant in Nebraska, as well as an examination of the methods for financing such a plant. Studies and experimental data indicate that asphalt rubber is a viable material that provides an attractive economic alternative for construction, rehabilitation and maintenance of our roads and streets. Economic advantages result from the increased life and reduced thickness of the material. Asphalt Rubber also provides a recycling alternative that promotes environmental and energy conservation. An initial report, entitled "Feasibility Analyses for Cryogenics-based Waste Rubber Processing Operation", concluded that Nebraska provides a sufficient supply of recyclable rubber to promote a cost effective processing plant operation in Nebraska. This resolution would also provide for cooperation with the Department of Roads to conduct testing designed to verify the findings of other studies under conditions in Nebraska and to examine the development of a demonstration plant in Nebraska. The resolution will also examine the effect of such a plant on the state economy and the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study and shall work in conjunction with the Department of Roads to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366.

Introduced by Landis, 46th District; Fowler, 27th District; Wesely, 26th District; Beutler, 28th District.

PURPOSE:

To study the feasibility of providing authority for the Nebraska Public Service Commission to regulate natural gas rates and service.

Nebraska depends on natural gas for a very significant amount of its domestic and industrial needs. Most Nebraska homes are heated by natural gas. The money Nebraskans pay for the use of natural gas in most instances leaves the state to the benefit of major oil companies and gas-producing states.

The federal government is in the process of abdicating its historical regulatory responsibilities concerning natural gas. As a result, Nebraskans will be faced with gigantic increases in natural gas costs unless the state takes over the regulatory role.

The intent of this study is to determine whether the Public ServiceCommission should take over the responsibility of regulating natural gas rates and service in Nebraska, and if so, what resources would be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purpose of this resolution.
2. That the committee shall upon conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

Req. #1809

1. Insert new sections to read:

"Sec. 83. In order to promote sound fiscal management and facilitate the orderly expenditure of appropriations, and notwithstanding any other provision of law, the State Treasurer is authorized to make interfund transfers of fund balances among the various fund accounts of the state invested by the state investment officer in the short term investment pool. Such transfers shall be made upon certification by the Director of Administrative Services that the current cash balance in a specific fund is inadequate to meet current obligations. Such certification shall include the specific fund accounts and the dollar amount to be transferred. The interfund transfer shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available. The authority granted by this section shall terminate on July 1, 1983.

Sec. 84. (1) If the fund balance of any fund account is transferred for more than thirty days, the State Treasurer shall notify the state investment officer of the dates in excess of thirty days, the amount of funds transferred, and the name of the fund account. After the transfer has been reversed the state investment officer shall notify the State Treasurer of the amount of interest that would have been earned on the balance transferred to the General Fund for those dates in excess of thirty days. The State Treasurer shall transfer from the General Fund to the respective fund account, from which the interfund transfer was made, an amount equal to the interest earnings certified by the state investment officer.

(2) The State Treasurer shall provide written notification to the state agency, board, or commission that administers the fund account, which the State Treasurer plans to transfer to other fund accounts, two days prior to such interfund transfer and within two days after the interfund transfer has been reversed.

(3) The State Treasurer shall provide written notification to the Legislative Fiscal Analyst when any interfund transfer is made or when an interfund transfer is reversed.

Sec. 85. Any interfund transfer made pursuant to section 83 of this act, and which has not been reversed as provided in such section, together with any unpaid interest as provided in section 84 of this act, shall be considered by the State Board of Equalization and Assessment in fixing state sales and income tax rates. Such unreversed interfund transfers, if any, and the unpaid interest, if any, shall be considered an encumbrance against the General Fund for rate-setting purposes. Prior to any meeting of the State Board of Equalization and Assessment, if any such encumbrances exist, the Director of Administrative Services shall certify to the board the amount of such encumbrances. The provisions of this section shall terminate on July 1, 1983.".

2. Renumber remaining sections accordingly.

3. On page 117, line 25, strike "This" and insert "Sections 83, 84, and 85 of this act shall become operative on their effective date. The other sections of this".

Messrs. DeCamp and Nichol asked unanimous consent to print the following amendment to LB 708 in the Journal. No objections. So ordered.

Req. #2926

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature finds it to be in the public interest of the State and its citizens to promote the efficient development and prevent the waste of geothermal resources. Geothermal energy is an indigenous, renewable resource the development of which will benefit local economies. The Legislature further finds and declares that a permit system is necessary to protect Nebraska's ground and surface water resources and existing water users, particularly where the development of geothermal resources requires the use of ground water as a transfer medium for the utilization of geothermal energy at a location other than the well site.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Geothermal resources shall mean (a) the natural heat of the earth and the energy produced by that heat, including pressure, and (b) the material medium containing that energy;

(2) Geothermal fluids shall mean the naturally present ground water in geothermal occurrences;

(3) Geothermal occurence shall mean an underground geologic formation at temperatures higher than the normal gradient; and

(4) Material medium shall mean geothermal fluids or other substances injected into a geothermal occurence by which geothermal energy is transported to the surface.

Sec. 3. The property right to the development and production of geothermal resources is an incident of the ownership of an estate in land. When the subsurface or mineral estate has been severed from the overlying surface estate, ownership of the right to develop and produce geothermal resources shall derive from the subsurface or mineral estate.

Sec. 4. (1) When the subsurface or mineral estate in land has been severed from the overlying surface estate, the owner of the subsurface or mineral estate shall have the right to enter upon the overlying surface estate at reasonable times and in a reasonable manner to prospect for, produce, and transport geothermal resources. Fair and equitable compensation shall be paid to the owner of the overlying surface estate for the exercise of such right of entry. The right of entry granted in this section shall not include the right to construct surface facilities for on-site utilization of geothermal energy.

(2) The board of Educational Lands and Funds shall have the authority to lease state-owned geothermal

resources under the procedures contained in Chapter 72, article 3.

Sec. 5. Any person who desires to withdraw ground water from aquifers located within the State of Nebraska for geothermal resource development shall, prior to commencing construction of any wells, obtain from the Director of Water Resources a permit to authorize the withdrawal, transfer, and further use or reinjection of such ground water. The Department of Water Resources shall adopt and promulgate rules and regulations governing the issuance of such permits, consistent with this act and with Chapter 46, article 6. Such rules and regulations shall provide for consultation with the Department of Environmental Control pursuant to the issuance of such permits and shall be compatible with rules and regulations adopted and promulgated by the Department of Environmental Control under the Environmental Protection Act. Any geothermal fluids produced incident to the development and production of geothermal resources shall be reinjected into the same geologic formation from which they were extracted, in substantially the same volume and substantially the same or higher quality as when extracted, unless the permit issued in accordance with this section authorizes further uses or processing other than those incident to reinjection.

Sec. 6. The development and production of geothermal resources shall be subject to Chapter 46, article 6, and the Environmental Protection Act and any rules and regulations adopted thereunder.".

Mr. Warner asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

1. On page 68, line 22, after "a" insert "transport", and after "permit" insert "issued after the effective date of this act,"; in line 24 after the comma insert "for each vehicle the applicant desires to operate,"; and in line 26 after the period insert "Thereafter the applicant shall not be required to pay such fee if the application is for a renewal permit.".

MOTION - Return LB 761 to Select File

Mr. Chambers moved to return LB 761 to Select File for the following specific amendment:

Strike that portion of the Appropriations Committee amendment to LB 761 adopted on April 6, 1982, that eliminated the appropriation and reappropriation for renovation of Legislative space.

The motion to return lost with 5 ayes, 14 nays, 25 present and not voting, and 5 excused and not voting.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 753 to Select File

Mr. Carsten moved to return LB 753 to Select File for the following specific amendment:

Strike the Chambers Amendment adopted on 4-5-82.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 4 nays, and 21 not voting.

The Carsten motion to return prevailed with 29 ayes, 5 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 753. The Carsten specific amendment found in this day's Journal was adopted with 28 ayes, 3 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Landis moved to recess until 7:00 p.m. The motion prevailed with 23 ayes, 7 nays, and 19 not voting.

VISITORS

Visitors to the Chamber were 36 students and teachers from Ames School, Ames; 40 exchange students from Kassel, Germany and sponsor, Marlin Kaufman; 75 fourth grade students and teachers from Meadow Lane School, Lincoln; 26 third grade students and teacher from St. Mary's Catholic School, Lincoln; Ken and Kris Stenberg from Ralston; and 9 students and teachers from Future Home Makers of America, Ord.

RECESS

At 6:03 p.m., on a motion by Mr. Landis, the Legislature recessed until 7:00 p.m.

AFTER RECESS

The Legislature reconvened at 7:03 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Cope, Cullan, Haberman, Hoagland, Kahle, Kremer, Lamb, Marvel, Stoney, Miss Kilgarin, and Mrs. Marsh who were excused; and Messrs. Burrows, Chambers, Dworak, Schmit, Vickers, and Mrs. Pirsch who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 367.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wagner, 41st District; Sieck, 24th District; Wiitala, 31st District; R. Peterson, 21st District; Burrows, 30th District; Nichol, 48th District; Remmers, 1st District.

PURPOSE:

The purpose of this resolution is to give guidance to the Agriculture and Environment Committee in its interim activities when dealing with the many issues of crucial importance to agriculture in the State of Nebraska.

Among matters of great concern to agriculture in Nebraska and the areas to which the committee should direct its activities, are:

1. The role of agriculture in Nebraska's economy and the impact of the national economy on Nebraska agriculture.
2. The impact of the scarcity, availability and cost of credit upon Nebraska Agriculture.
3. The relationship between irrigation and agriculture in the state.
4. The impact of rapidly increasing energy costs on agriculture in Nebraska.
5. The impact of various conservation practices on agriculture in the state.
6. The impact of water policy planning on agriculture in Nebraska.
7. The effects of land-use planning and the power of eminent domain on agriculture.

8. The relationship between various environmental issues and the role of agriculture in Nebraska and other states.

9. The practices and operations of the various Natural Resources Districts and their impacts on and interrelationships with agricultural and environmental issues in the State of Nebraska.

10. The effects of the corporate structure of farm ownerships and the economic impacts of corporate involvement in agriculture.

11. The state's role in the implementation of soil and water conservation practices.

The committee which founded the gasohol program shall continue to monitor the development and implementation of gasohol activities in Nebraska and other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 368.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wagner, 41st District; Sieck, 24th District; Wiitala, 31st District; R. Peterson, 21st District; Burrows, 30th District; Nichol, 48th District; Remmers, 1st District.

PURPOSE:

There has been a significant increase in the number of grain storage facilities takeovers by the Public Service Commission and given that the owners of the grain stored in these elevators or storage facilities are not adequately protected by our present bonding requirements.

Since in many cases we have had ample warning that owners of stored grain may not be adequately protected against loss, it is important that we examine the problem and if necessary provide the kind of protection needed to protect the owners of grain stored in public storage facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. An interim study be conducted by the Agriculture and Environment Committee of the Nebraska Legislature to investigate this problem.

2. Furthermore, that the study committee shall submit to the Legislative Council and/or the Members of the Legislature their findings.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wagner, 41st District; Sieck, 24th District; Wiitala, 31st District; R. Peterson, 21st District; Burrows, 30th District; Nichol, 48th District; Remmers, 1st District.

PURPOSE:

The purpose of this resolution is to provide for the review of all matters leading to and possibly supporting introduction in the next legislative session of legislation authorizing the State of Nebraska to enter into a compact with states in the midwest region for the purpose of facilitating development and operation of a proper low level radioactive waste disposal facility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairperson; Wagner, 41st District; Burrows, 30th District; Nichol, 48th District; R. Peterson, 21st District; Remmers, 1st District; Sieck, 24th District; Wiitala, 31st District; Von Minden, 17th District; Hefner, 19th District.

PURPOSE:

The purpose and intent of this interim study resolution is to examine the financial and tax problems confronting the horse racing industry, resulting from a number of economic factors, which have a detrimental impact on the economic well-being of owners, breeders, trainers, and the industry in general. The Legislature and the State of Nebraska needs to be aware of the current and future needs of the horse racing industry and its impact upon and relationship with agriculture and the state's economy in general.

Necessary information must be derived to properly analyze the existing tax structure relating to the horse racing industry in order to effectuate its survival and development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 371.

Introduced by Schmit, 23rd District; Higgins, 9th District; DeCamp, 40th District; Labedz, 5th District.

PURPOSE:

The purpose of this resolution is to study the laws regulating investment of money placed in the various pension funds in the State of Nebraska.

There has arisen some questions regarding the soundness and security of pension funds over which the State of Nebraska exercises any influence, involvement, or control. The statutory investment structure of such funds has not been addressed in a comprehensive manner since the early 1960's.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372.

Introduced by Wesely, 26th District; Beutler, 28th District; Kahle, 37th District; Sieck, 24th District; Newell, 13th District.

PURPOSE:

To study the Rules of the Nebraska Legislature including the following issues:

(a) Effective Use of Time;
(b) Priority Bills Process;
(c) Germaneness;
(d) Interim Studies;
(e) Legislative Committees;
(f) Clarification of the Rules; and

Any additional areas of concern which the committee considers important to improve the rules and procedures of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Rules Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373.

Introduced by Wiitala, 31st District; Kilgarin, 7th District; Higgins, 9th District; Apking, 32nd District; Marsh, 29th District; Labedz, 5th District; Pirsch, 10th District.

WHEREAS, sound economic planning requires a good understanding of the demographics of our state; and

WHEREAS, present economic conditions of Nebraska women including, among others, minority women, older women, and rural women constitute a growing and important element of the total economic mix; and

WHEREAS, information volunteered from such women is of value in understanding Nebraska's labor force, employment opportunities, occupational patterns, training, education and career counseling programs, and retirement policies; and

WHEREAS, special situations involving child care, single parenting, marriage status, access to credit and pensions, and homemaker functions frequently impact decisions of the Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND REGULAR SESSION:

That the Legislature's Business and Labor Committee sponsor a series of hearings to be conducted across Nebraska with the assistance of the Nebraska Commission on the Status of Women to acquire deeper understanding of the aforementioned elements contributing to the conditions of women in Nebraska. Such hearings would involve senators indigenous to the districts in which the hearings are conducted.

At the conclusion of this series of hearings the committee shall report its findings and recommendations to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374.

Introduced by DeCamp, 40th District; Wesely, 26th District; Schmit, 23rd District.

WHEREAS, the annual increase in health care costs is rising at a rate in excess of the rate of increase in the consumer price index; and

WHEREAS, from 1965 to 1980, health care expenditures rose from 5.9% to 9.4% of the Gross National Product; and

WHEREAS, hospital costs in Nebraska increased 19% during the last year, while the rate of inflation was less than 10%; and

WHEREAS, current federal and state regulations permit the government to pay less than the total cost of care for patients covered by Medicare and Medicaid; and

WHEREAS, providers of health care are forced to charge private sector patients more to compensate for this shortfall in government reimbursement, resulting in a projected cost shift to private pay patients of in excess of 4.8 billion dollars nationally in 1981; and

WHEREAS, from 1975 to 1979 the resulting cost shift differential between public and private sector patients rose from $12 to $41 per adjusted patient day; and

WHEREAS, Medicare and Medicaid payments for health care services are made on a retrospective basis, reimbursing for costs after they have been incurred; and

WHEREAS, retrospective reimbursement does not provide an incentive to health care providers to hold down health care costs; and

WHEREAS, although health care providers have been competitive in terms of services, there is a need to promote cost competition in the health care industry; and

WHEREAS, the impacts of rising health care costs has resulted in a 50% increase in Medicaid expenditures in Nebraska during the four year period from 1978 to 1981; and

WHEREAS, 31% of the public health dollar in Nebraska in 1978 was paid by public assistance funding and 30% was paid by insurance premiums; and

WHEREAS, the pecentage of per capita national disposable personal income which goes to health care expenditures has increased from 7% in 1965 to over 18% in 1981; and

WHEREAS, the public ultimately pays for the rising cost of health care through public tax funds, tax exemptions for health care facilities, insurance premiums, and patient rate charges.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking committee of the Legislature shall be designated to conduct an interim study to examine issues related to the containment of rising health care costs, including:

(a) cost shifting from the public sector to private pay patients.

(b) health care provider rate or budget review.

(c) methods to promote cost competition between health care providers.

(d) prospective rate reimbursement of health costs

(e) uniform health care financial reporting.

2. That the Banking Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375.

Introduced by Schmit, 23rd District; Higgins, 9th District; Labedz, 5th District; Wesely, 26th District; DeCamp, 40th District.

PURPOSE:

Containment of Health Care Costs.

1. The cost for delivery of medical services has and continues to rise at an alarming rate.

2. Such costs are the result of waste, inefficiencies, and misuse of health services.

3. Governmental regulations have not induced insurers, doctors, and hospitals to provide health-care delivery systems that compete on price and quality of service.

4. Workers, companies, medicare recipients and insurance companies should become more cost-conscious by providing both a choice among a number of health plans and a financial stake in exercising that choice.

5. Endorsement of a competitive approach to health care advocates cost-efficiency from the consumer.

6. Consumers should be made aware of the quality, quantity, and price of medical care they require in order to make informed and cost-conscious decisions.

7. Deductibles and coinsurance discourage over-utilization and demand for medical services.

8. In a well-functioning competitive market suppliers must compete for the available funds by engaging in a constant effort to cut costs and enhance services.

9. Health care insurers should take a prominent role in addressing the problems of health care cost containment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 708. E & R amendments found in the Journal on page 1210 for the Forty-Fourth Day were adopted.

Messrs. DeCamp and Nichol renewed the pending amendment found in this day's Journal.

The amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Nichol offered the following Kremer amendment:

1. On page 1, strike beginning with "resources" in line 13 through "geothermal" in line 14; in line 15 after "energy" insert "requires the utilization of geothermal resources".

2. On page 3, line 2, strike "from aquifers located".

The amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Beutler offered the following amendment:
Delete the first sentence in Sec 3.

The amendment was adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

Mr. Beutler offered the following amendment:
Add the following at the end of Sec 3
"except that no such right shall attach to subsurface or mineral estates granted prior to the effective date of this act unless the document conveying the subsurface mineral estate specifically granted the right to develop and produce geothermal resources".

The amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Vickers moved to indefinitely postpone LB 708.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Vickers asked unanimous consent to withdraw his pending motion. No objections. So ordered.

Mr. Vickers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 376.

Introduced by Wesely, 26th District.

PURPOSE:
The purpose of this study is to examine Nebraska's higher education system. The overall funding for higher education should particularly be studied. The study should examine the most effective use of tax dollars for higher education. The role and mission of the higher education system in Nebraska should be re-examined in order to streamline the system so that it is as efficient as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a special task force be formed to study the administration and accountability of higher education in Nebraska as suggested in Recommendation Number 80 of the Governor's Task Force for Government Improvement. The Executive Board of the Legislature shall select the members of the task force.
2. That a committee of the Legislature shall work with the task force to conduct an interim study to carry out the purposes of this resolution.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 377.

Introduced by Wesely, 26th District.

PURPOSE:

To study the possibility of establishing a research liaison with the University of Nebraska to supplement the research capabilities of the staff of the Legislature. The study would consider a Legislative research arrangement with the University to enhance and facilitate the Legislature's ability to more fully utilize the resources of the University in addressing complex and technical policy questions. Such a study should examine the ability to reduce the costs and use of special consultants by the Legislature as a result of a research liaison with the University.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Executive Board of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee report its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378.

Introduced by Wesely, 26th District.

PURPOSE:

There exists a need to undertake a study of the problems associated with small power producers and cogenerators and their integration into Nebraska's electrical grid system. During the 1981 interim, it became evident that a problem may exist between some of Nebraska's electrical utilities and those Nebraskans who are able and willing to produce electricity for resale to the electrical grid system. A study should be undertaken to provide for an adequate investigation of the scope and nature of this potential problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That a Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon conclusion of its work make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 854. E & R amendment found in the Journal on page 1277 for the Forty-Sixth Day was adopted.

Mr. Kahle asked unanimous consent to withdraw his pending amendment found in the Journal on page 1350. No objections. So ordered.

Mr. Beutler offered the following Kahle amendment:

1. Strike the Standing Committee amendment found on page 805 of the Journal.
2. Strike the E and R amendment found on page 1277 of the Journal.

The amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 854A. E & R amendment found in the Journal on page 1278 for the Forty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 909. E & R amendments found in the Journal on page 1278 for the Forty-Sixth Day were adopted.

Mr. Warner offered the following amendment:
Req. #2902

1. Insert the following new sections:

"Section 1. That section 15-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-106. The proprietor of any land within the corporate limits or contiguous thereto may lay out such land into lots, blocks, public ways, and other grounds under the name of __________ addition to the city of ___________ and shall cause an accurate plat thereof to be made, designating explicitly the land so laid out, and particularly describing the lots, blocks, public ways, and grounds belonging to such addition. The lots ~~must~~ shall be designated by number and streets, and public ways~~,~~ and other grounds by name and number. Such plat shall be acknowledged before some officer authorized to take acknowledgment of deeds, and shall have appended a certificate made by a registered land surveyor to the effect that he or she has accurately surveyed such addition, and that the lots, blocks, public ways, and other grounds are staked and marked as required by such city. When such plat is so made, acknowledged, and certified, complies with the requirements of section 15-901, and is approved by the city council, the same shall be filed and recorded in the office of the register of deeds and county assessor of the county. No such plat shall be recorded in the office of the register of deeds or have any force or effect unless the same be approved by the city council of such city. It shall after being filed with the register of deeds be equivalent to a deed in fee simple absolute to the city, from the proprietor, of all streets, public ways, public squares, parks and commons, and of such portion of the land as is therein set apart for public use, or dedicated to charitable, religious, or educational purposes. All additions thus laid out shall remain a part of the city; and all additions, except those additions set forth in sections 2 and 3 of this act, now or hereafter laid out adjoining or contiguous to the corporate limits shall be included therein and become thereby a part of the city for all purposes; and the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules, and regulations of the city. The mayor and council shall have power by ordinance to compel owners of any such addition to lay out streets and public ways to correspond in width and direction, and to be continuous with the streets and public ways in the city or additions contiguous to or near the proposed addition. No addition shall have any validity, right, or privilege as an addition unless the terms and conditions of such ordinance and of this section are complied with, the plats thereof submitted to and approved by the city council, and such approval endorsed thereon.

Sec. 2. Commencing on the effective date of this act, an addition which has been approved by the city council pursuant to section 15-106 and is adjoining or contiguous to the corporate boundaries of the city but which includes land which lies wholly or partially (1) outside of the area designated and described as being for future urban uses in the comprehensive plan adopted by the city pursuant to sections 15-1102 and 15-1103 and (2) within a zoning district adopted pursuant to section 15-902 which allows a residential density of not more than one dwelling per acre, shall be included within the corporate limits of the city only upon the enactment of a city ordinance specifically annexing such addition.

Sec. 3. Commencing on the effective date of this act, an addition which has been approved pursuant to section 15-106 and is adjoining or contiguous to the corporate boundaries of the city, but which (1) includes land which lies wholly or partially within the area designated as being for future urban uses in the comprehensive plan adopted by the city pursuant to section 15-1102 and 15-1103 and (2) is set aside in such comprehensive plan as an agricultural-industrial reserve shall be included within the corporate limits of the city only upon the enactment of a city ordinance specifically annexing such addition.

Sec. 7. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.''.

2. On page 6, line 4, strike ''section'' and insert ''sections 15-106 and''.

3. Renumber original sections 1 to 3 as sections 4, 6, and 8 respectively.

4. In the title, line 2, after ''Act'' insert ''relating to cities and villages;'' and strike ''section'' and insert ''sections 15-106 and ''; strike beginning with ''relating'' in line 5 through ''villages'' in line 6 and insert ''to change provisions relating to the annexation of certain additions as prescribed''; and in line 9 after the semicolon insert ''to provide for severability;''.

5. In the standing committee amendments on page

832 of the Journal:

(a) On page 1, line 3, strike "2" and insert "5"; in line 11, strike "2" and insert "5"; and in line 24 strike "5" and insert "9"; and

(b) Strike amendment 3.

The amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 835. E & R amendment found in the Journal on page 1278 for the Forty-Sixth Day was adopted.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1194. No objections. So ordered.

Mr. Wiitala renewed his pending amendment found in the Journal on page 1563.

The amendment was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 688. Messrs. Beutler, Landis, Fowler, and Wesely renewed their pending amendment, Req. #2837, found in the Journal on page 1246.

Mr. Fowler asked unanimous consent to withdraw their pending amendment. No objections. So ordered.

Mr. Beutler renewed his pending amendment found in the Journal on page 1312.

The amendment lost with 11 ayes, 11 nays, 16 present and not voting, and 11 excused and not voting.

Mr. Fowler moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Fowler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler
Beyer
Carsten
Chambers
Chronister
DeCamp
Duda
Dworak
Fenger
Fowler
Higgins
Johnson, V.
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Rumery
Schmit
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 5:

Hefner
Johnson, L.
Koch
Peterson, H.
Von Minden

Present and not voting, 7:

Apking
Barrett
Clark
Goll
Goodrich
Peterson, R.
Sieck

Excused and not voting, 11:

Burrows
Cope
Cullan
Haberman
Hoagland
Kahle
Kilgarin
Kremer
Lamb
Marvel
Stoney

Advanced to E & R for Engrossment with 26 ayes, 5 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the Call raised.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 868. E & R amendment found in the Journal on page 1278 for the Forty-Sixth Day was adopted.

Messrs. Landis, Wiitala, Fenger, Duda, Beyer, and Mrs. Labedz offered the following amendment:

Add a new section that reads "The effective date of the grant of authority to Sanitary Improvement Districts to collect, dispose or contract for disposal of solid waste shall be May, 1, 1983.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 6 nays, and 23 not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Barrett
Beutler
Beyer
Carsten
DeCamp
Duda
Fenger
Fowler
Goll
Higgins
Johnson, V.
Labedz
Landis
Newell
Nichol
Pirsch
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 10:

Apking
Chronister
Clark
Dworak
Johnson, L.
Koch
Marsh
Peterson, H.
Remmers
Sieck

Present and not voting, 3:

Goodrich
Hefner
Peterson, R.

Excused and not voting, 12:

Burrows
Chambers
Cope
Cullan
Haberman
Hoagland
Kahle
Kilgarin
Kremer
Lamb
Marvel
Stoney

The Landis amendment lost with 24 ayes, 10 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the Call raised.

Mr. Koch offered the following amendment:

1. Strike Standing Committee amendments 1, 8, and 10.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 11 nays, and 26 not voting.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

The Koch amendment was adopted with 26 ayes, 9 nays, 1 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 761.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 761

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 761:

1. In Standing Committee amendments, Req, 2729, section 131 found on page 147 has been renumbered as section 140, original sections 132 and 134 as 141 and 143, and the new section added by the Wesely, et al amendment as section 139.
2. In the title, lines 7 to 9 have been stricken and "LB 163, sections 3 and 4, as amended by Laws 1981, First Special Session, LB 8, sections 77 and 78, respectively, Laws 1981, LB 245A, section 1, and sections 3 to 6, as amended by Laws 1981, First Special Session, LB 8, sections 88 to 92, respectively, Laws 1981, First Special Session, LB 8, section 84, and Laws 1979, LB 184A, section 3; to provide severability; to repeal the original sections; and to" inserted.
3. In Req. 2729, subdivisions have been properly renumbered in sections 13, 20, 25 to 27, and 67.
4. In Req. 2729, page 12, "this" has been inserted at the end of line 10; and in line 11 "(1) above" has been stricken.
5. In the Koch amendment on page 1459 of the Journal, line 2, "$34,732,488" has been stricken and "$34,433,669" inserted.
6. Sections have been properly renumbered.
7. In the Warner amendment to page 35 to Req. 2729, in line 2, "18,965,383" has been stricken and "19,080,383" inserted, to correct erroneous addition.

(Signed) Emory Burnett
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 379.

Introduced by Warner, 25th District, Dworak, 22nd District; Schmit, 23rd District; Lamb, 43rd District; DeCamp, 40th District.

WHEREAS, the Eighty-seventh Legislature, First Session, passed LB 132 which provides for joint financing for municipalities; and

WHEREAS, such legislation was not designed to create a new competitive situation such as the Legislature has dealt with in the past and which was eliminated through the restructuring of certain power districts in 1970; and

WHEREAS, the Nebraska Muncipal Power Pool continues to solicit membership of communities in the Pool and its agency created pursuant to the provisions of LB 132, the Municipal Energy Agency of Nebraska (MEAN); and

WHEREAS, some of these communities already are served by other power entities; and

WHEREAS, the Statement of Legislative Intent on LB 132 stated that LB 132 was designed to allow those communities who have historically generated or purchased a major portion of their electric power and energy from other sources than public power districts to supply such municipalities' customers; and

WHEREAS, since Nebraska is an all-public power state and it is the intention of the Legislature not to create duplication and competition among the various power districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature's Executive Board is hereby authorized to conduct an interim study to examine the functioning of the Municipal Power Pool and the Municipal Energy Agency of Nebraska (MEAN).

2. That such study shall be limited to the following:

(a) An investigation of whether the Municipal Power Pool, or its agency (MEAN), is violating the intentions of LB 132.

(b) Whether the actions of the Municipal Power Pool, or the Municipal Energy Agency of Nebraska (MEAN), in soliciting and/or obtaining membership of cities who purchase their power elsewhere constitutes competition.

(c) Whether the operations of the Municipal Power Pool and its agency the Municipal Energy Agency of Nebraska (MEAN), should be included under all provisions of Chapter 70.

(4) Whether the operation of the Nebraska Municipal Power Pool and its agency the Municipal Energy Agency of Nebraska (MEAN) is lawful under existing statutes.

3. That the Executive Board make a full report of its findings, together with any recommendations for legislation action, to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 928 in the Journal. No objections. So ordered.

Page 7, line 6, strike "twelve" and insert "fifteen".

Messrs. Newell and Vickers asked unanimous consent to print the following amendment to LB 799 in the Journal. No objections. So ordered.

1. Strike original sections 4 to 8.
2. On page 18, line 23, strike "66-1015, 66-1016,"; in line 25 strike "66-1021, 66-1022, 66-1025,"; and in line 27 strike "section" and insert "sections".
3. On page 19, line 1, strike "66-1014" and insert "66-1012 to 66-1018", and after "1980," insert "and sections 66-1019 to 66-1028, Revised Statutes Supplement, 1981,".
4. Renumber sections accordingly.
5. In the title, line 3, strike "66-1015, 66-1016,"; in line 6 strike "66-1021, 66-1022, 66-1025,"; in line 10 strike "change" and insert "repeal"; in line 18 strike "section 66-1014" and insert "66-1012 to 66-1018"; and in line 19 after "1980" insert ", and sections 66-1019 to 66-1028, Revised Statutes Supplement, 1981".

Mr. H. Peterson moved to adjourn. The motion prevailed with 16 ayes, 15 nays, and 18 not voting.

ADJOURNMENT

At 9:15 p.m., on a motion by Mr. H. Peterson, the Legislature adjourned until 9:00 a.m., Wednesday, April 7, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 7, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 7, 1982

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Rev. Eddy Hallock, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Miss Kilgarin, Messrs. Beyer, Chambers, Duda, Haberman, Hoagland, Koch, Newell, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 242
April 6, 1982

Dear Senator DeCamp:

You have submitted to us a copy of your latest proposed amendment to LB 816, and have asked our opinion as to its constitutionality. In our opinion it can be successfully defended against constitutional attack.

Your amendment would strike all of the original sections of the bill, and all amendments, and substitute nine new sections. The first section recites that it is the intention of the Legislature that payments to political subdivisions be made pursuant to §§77-3611 to 77-3615, unless the Supreme Court holds them unconstitutional. It then provides that if, by January 1, 1983, the court has not issued a mandate on the subject, or has held those sections unconstitutional, payments shall be made pursuant to Sections 2 to 6 of LB 816. In our Opinion No. 230, dated March 26, 1982, we stated our opinion to be that making the application of a statute contingent upon a future ascertainable event was proper. We believe that is what is involved in Section 1 of your proposed amendment.

Section 2 of your amendment would appropriate an additional $45 million to the School Foundation and Equalization Fund, to be distributed pursuant to §§79-1333 to 79-1334. In our Opinion No. 189, dated February 8, 1982, we reached the conclusion that the method of distribution of that fund set forth in §79-1334 was proper, and that simply adding more money to be so distributed would have no effect on its constitutionality.

Section 3 of your amendment would provide for an appropriation of an additional $2 million for aid to technical community colleges, to be distributed pursuant to §§79-2651 to 79-2653. In our Opinion No. 213, dated March 8, 1982, we found nothing unconstitutional about the method of distributions specified in those sections, and said that adding more money to the pot to be distributed would not effect its constitutionality.

Sections 4, 5, and 6 of your amendment would amend §§77-27,136, 77-27,137, and 77-27,137.01. As amended, these sections would provide for distribution of $17,900,000 to incorporated municipalities on the basis of the ratio of the population of each municipality to the population of all municipalities in the state. These sections would also provide for the payment of $17,700,000 to counties, to be allocated on the basis of the ratio of the property tax levied by each county for county purposes to the total amount of property taxes levied by all counties for county purposes.

We are confident that the distribution to the municipalities on the basis of their populations can be defended. In our Opinion No. 226, dated March 24, 1982, we also reached the conclusion that we could defend the distribution of money to the counties on the basis of the ratio of property taxes collected by the county for county purposes, despite some doubt cast upon the question by State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). We are still of that opinion.

We are therefore of the opinion that your amendments to LB 816 could be successfully defended against constitutional attack.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
tl
cc: Patrick O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz and Mr. V. Johnson asked unanimous consent to print the following amendment to LB 602A in the Journal. No objections. So ordered.

Req. #1807

1. Strike the original section and insert the following new sections:

"Section 1. That section 9-127, Revised Statutes Supplement, 1980, be amended to read as follows:

9-127. Bingo shall mean that form of gambling in which:

(1) The winning chances are determined by a random drawing of a subset of ~~numbered~~ objects numbered lettered, or otherwise designated by some medium among a total set of ~~seventy five numbered~~ objects ~~consecutively numbered from one to seventy five~~ numbered, lettered, or otherwise designated by some medium; and

(2) The card or cards held by the player by which a winner or winners are ascertained is sold, rented, or used only at the time and place of the gambling activity. ~~, and each card contains five rows of five spaces each, each space printed with a number between one and seventy five, inclusive, except the central space, which is marked FREE.~~

Sec. 2. That section 9-161, Revised Statutes Supplement, 1980, be amended to read as follows:

9-161. (1) Any number of cards may be purchased by a licensed organization and sold or rented to players at any bingo occasion. Each card in use by the organization at any bingo occasion shall differ from all others in use with respect to the distribution of playing numbers.

(2) The ~~twenty five~~ playing spaces on a regular bingo card and an extra regular card shall be contained within an area not less than four inches square. The ~~twenty five~~ playing spaces on a special bingo card shall be contained within an area not less than three inches square.

Sec. 3. That section 9-163, Revised Statutes Supplement, 1980, be amended to read as follows:

9-163. Bingo games shall be conducted in the following manner:

(1) All bingo cards used in a regular bingo game shall be purchased at a price established before the start of the regular bingo session;

(2) At any bingo occasion except limited period bingo, any player buying or renting an extra regular card is entitled to use such card in all regular games conducted after he or she buys or rents the card;

(3) Each person admitted to a bingo occasion, other than limited period bingo, is furnished with a regular bingo card enabling him or her to play in all regular bingo games conducted at such bingo occasion;

(4) The value of any merchandise prize awarded in a bingo game shall be its current retail price. The current retail price of merchandise prizes donated to a licensed organization shall not be reported as an expenditure in its financial statement of bingo operations. No merchandise prize shall be redeemable or convertible into cash directly or indirectly by the licensed organization;

(5) The licensed organization shall keep an accurate, separate count of the number of regular bingo cards, extra regular cards, and special bingo cards which are sold, rented, or used. Such information shall be available for inspection at the close of the bingo occasion;

(6) Method of play:

(a) The method of play in any bingo game and the utilization of bingo equipment and supplies shall be such that each player is afforded an equal opportunity to win;

(b) The objects to be drawn shall be essentially the same in size, color, shape, weight, balance, and all other characteristics, so that at all times during the conduct of bingo, each object possesses the capacity for equal agitation with any other object within the receptacle;

(c) All ~~seventy-five~~ objects within the total set from which the drawing is to be made shall be present in the receptacle at the beginning of each bingo game;

(d) The announcement of all ~~numbers~~ objects drawn shall be clearly audible to the players present;

(e) When more than one room is used for any one bingo game, the receptacle and the caller and any assistant shall be in the room where the greatest number of players are present, and all numbers, letters, or other designators shall be announced in a manner clearly audible to the players in each room;

(f) Once removed, no object shall be returned to the receptacle until the conclusion of the game;

and

(g) The receptacle and the caller shall be visible to the majority of players at all times;

(7) The particular arrangement of the numbers, letters, or other designators required to be covered in order to win and the amount of the prize for each game shall be clearly described and audibly announced to the players immediately before each game. The amount of the prize for each bingo game also shall be posted where the regular bingo cards are distributed;

(8) Verification of winner:

(a) The numbers, letters, or other designators appearing on the winning card at the time a winner is determined shall be verified in such a manner that all present can hear; and

(b) At the time a winner is determined, any player may call for a verification of all ~~numbers and~~ of the objects remaining in the receptacle and not yet drawn. This verification shall be made in the immediate presence of the supervising member and at least one disinterested player;

(9) When more than one player is found to be the winner on the call of the same number, letter, or other designator in the same bingo game, a cash prize shall be divided equally, to the nearest nickel, among the winners. When equal division of a merchandise prize is not possible, identical substitute prizes whose aggregate retail value is approximately equal to that of the designated prize shall be awarded; and

(10) No licensed organization shall permit any person who is conducting or assisting in the conduct of bingo on a bingo occasion to participate as a player on that occasion.

Sec. 4. That original sections 9-127, 9-161, and 9-163, Revised Statutes Supplement, 1980, are repealed.".

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend sections 9-127, 9-161, and 9-163, Revised Statutes Supplement, 1980, relating to bingo; to redefine a term; to change certain playing card requirements; to change provisions relating to the manner in which bingo games are conducted; to repeal the original sections; and to declare an emergency.".

Messrs. DeCamp and Beyer asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #1811

1. In Standing Committee Amendments, page 3, strike the new matter and all amendments thereto.

2. Insert a new section to read as follows:

"Sec. 3. (1) The Department of Roads, upon request of the highway transportation industry with the assurance that the department will be fully reimbursed for all direct costs incurred by it in response thereto, shall collect all materials, facts, studies, and test materials that are available from public and private sources pertaining to trucks or combinations thereof that exceed the maximum specified by law. These materials shall then be examined, compared, reviewed, studied, and analyzed by the department to determine the effects that such operations would have if permitted to be utilized in Nebraska. Such findings shall specifically be addressed toward public benefits, highway safety, wear and tear on highways utilized, and public acceptability.

(2) All materials, findings, and conclusions of the department shall, not later than November 1, 1982, be presented to the Nebraska Transportation Advisory Committee pursuant to section 50-421, which committee shall analyze the findings of the department and make whatever recommendations it deems appropriate to the 1983 session of the Legislature.

(3) The department shall determine the direct costs incurred by it pursuant to subsection (1) of this section and assess the amount thereof against the party or parties responsible therefor. The department shall be reimbursed for such costs within one month of having given notice of the amount thereof.".

3. Renumber section 3 as section 4.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 127, 127A, 605, 755, and 756.

MOTION - Return LB 753 to Select File

Mr. Warner moved to return LB 753 to Select File for his specific amendment found in the Journal on page 1727.

The motion to return prevailed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 753. The Warner specific amendment found in the Journal on page 1727 was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Withdraw Amendment to LB 757

Mr. Warner asked unanimous consent to withdraw his pending amendment to LB 757 found in the Journal on page 1727. No objections. So ordered.

MOTION - Return LB 757 to Select File

Mr. Warner moved to return LB 757 to Select File for the following specific amendment:

1. On page 2, line 10, after the first "year" insert ", except that for the period May 1 through December 31, 1982, the rate of the sales tax shall be three and one half per cent".

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Wiitala requested a record vote on the motion to return.

Voting in the affirmative, 31:

Apking
Barrett
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 13:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Hoagland
Kilgarin
Labedz
Newell
Wesely
Wiitala

Present and not voting, 2:

Kremer
Lamb

Excused and not voting, 3:

Beyer
Marvel
Schmit

The Warner motion to return prevailed with 31 ayes, 13 nays, 2 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 757. The Warner specific amendment found in this day's Journal was considered.

Mr. Wagner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Newell requested a record vote on the Warner specific amendment.

Voting in the affirmative, 29:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 13:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Kilgarin
Labedz
Newell
Pirsch
Wesely
Wiitala

Present and not voting, 4:

Apking
Goodrich
Hoagland
Lamb

Excused and not voting, 3:

Beyer
Marvel
Schmit

The Warner specific amendment was adopted with 29 ayes, 13 nays, 4 present and not voting, and 3 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 31:

Apking
Barrett
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 14:

Beutler
Burrows
Chambers
DeCamp
Dworak
Fowler
Higgins
Hoagland
Kilgarin
Labedz
Newell
Pirsch
Wesely
Wiitala

Present and not voting, 1:

Koch

Excused and not voting, 3:

Beyer
Marvel
Schmit

Advanced to E & R for Engrossment with 31 ayes, 14 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1982, at 9:50 a.m., were the following bills: 127, 127A, 605, 755, and 756.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

April 6, 1982

Dear Senator Beutler:

In checking our Opinion No. 241, dated April 2, 1982, addressed to you, we find two typographical errors in it. In the second paragraph on page 2 of the opinion, two references are made to "§72-2341." The proper references should be to §77-2341. We hope these typographical errors have not caused any confusion to you or other members of the Legislature.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
m6
cc: Patrick O'Donnell
Clerk of the Legislature

MOTION - Return LB 757 to Select File

Mr. Newell moved to return LB 757 to Select File for the following specific amendment:

Eliminate the State Board of Equalization's authority to set Sales and Income Tax rates.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Newell requested a record vote on his motion to return.

Voting in the affirmative, 19:

Beutler
Burrows
Chambers
Cullan
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Newell
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 25:

Apking
Barrett
Carsten
Chronister
Clark
Cope
Duda
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Vickers
Von Minden
Wagner
Warner

Present and not voting, 2:

DeCamp
Marsh

Excused and not voting, 3:

Beyer
Marvel
Schmit

The Newell motion to return lost with 19 ayes, 25 nays, 2 present and not voting, and 3 excused and not voting.

Messrs. Newell, Goodrich, and Mrs. Labedz moved to return LB 757 to Select File for the following specific amendment:

Insert the contents of Req 2812 to LB 591, as referred on pg 1165 of the journal, with an operative date of April 1, 1983 for this section only.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 11 nays, and 19 not voting.

Mr. Sieck moved the previous question. The question is, "Shall the debate now close?"

Mr. Burrows asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

The motion to cease debate prevailed with 28 ayes, 12 nays, and 9 not voting.

Mr. Newell requested a roll call vote on the motion to return.

Voting in the affirmative, 19:

Beutler
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Newell
Pirsch
Vickers
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Carsten
Chronister
Cope
Fenger
Goll
Hefner
Johnson, L.
Kahle
Koch
Lamb
Marsh
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner

Present and not voting, 3:

Chambers
Clark
Kremer

Excused and not voting, 5:

Beyer
Burrows
Marvel
Nichol
Schmit

The motion to return lost with 19 ayes, 22 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the Call raised.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved to return LB 757 to Select File for the following specific amendment:

Amend section 77-27,142 to require a reduction of 1/2 of 1 per cent in the amount of sales tax currently levied by a city of the metropolitan class.

Mr. Chambers moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 21:

Apking
Barrett
Chambers
Clark
Cope
Cullan
DeCamp
Dworak
Haberman
Kahle
Koch
Kremer
Lamb
Peterson, H.
Peterson, R.

Remmers
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 19:

Beutler
Carsten
Chronister
Duda
Fenger
Fowler
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Warner
Wesely
Wiitala

Present and not voting, 3:

Goll
Hefner
Pirsch

Excused and not voting, 5:

Beyer
Burrows
Higgins
Marvel
Schmit

Absent and not voting, 1:

Goodrich

The Chambers motion to return lost with 21 ayes, 19 nays, 3 present and not voting, 5 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

MESSAGES FROM THE GOVERNOR

April 7, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 739 and 892 were received in my office on April 1, 1982.

These bills were signed by me on April 6, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 7, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

In keeping with established policy, I have forwarded proposed Constitutional Amendment, LB 766, to the Secretary of State without action.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

EXPLANATION OF VOTE

If I had been present, I would have voted against the Warner Amendment to LB 757.

(Signed) Peter Hoagland

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

1. In the standing committee amendments strike line 4 and insert a period.
2. On page 8, line 20, after "material" insert ", which can be readily copied,".

VISITORS

Visitors to the Chamber were 15 students and teacher from Western; 60 eighth grade students and teachers from St. Margaret Mary, Omaha; 19 fourth grade students and teacher from Brownell Talbot, Omaha; 54 eighth grade students and teachers from Our Lady of Lourdes, Omaha; 23 fourth grade students and teacher from Lyons; and 12 twelfth grade students and teacher from Benedict High School.

RECESS

At 11:54 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Barrett, Beutler, Beyer, Burrows, Chambers, Fenger, Goll, Schmit, Wiitala, Mesdames Higgins, Labedz, and Marsh who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 799A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 5 nays, 6 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 903. Title read. Considered.

Standing Committee amendments, Req. #2761, found in the Journal on page 1009 for the Thirty-Seventh Day were considered.

Mr. Carsten offered the following amendment to the Standing Committee amendments:
Strike sections 6 through 9.

The amendment was adopted with 20 ayes, 0 nays, 20 present and not voting, and 9 excused and not voting.

Standing Committee amendments, as amended, were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

MR. NICHOL PRESIDING

LEGISLATIVE BILL 903A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Kremer asked unanimous consent to print the following amendment to LB 816A in the Journal. No objections. So ordered.

(Amendment to Req. 2864)

1. Insert the following new amendments:

"1. On page 2, in lines 2, 3, 12 and 16, strike '45,000,000' and insert '44,300,000'.

Insert the following new section:

4. 'Sec. 6 There is hereby appropriated (1) $700,000 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $700,000 from the General Fund for the period July 1, 1983, to June 30, 1984, to the State Treasurer, for Program 119, to aid in carrying out the provisions of Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982. There shall be no expenditures for permanent and temporary salaries and per diems for state employees from funds appropriated in this section.'

5. Renumber remaining sections accordingly."

2. Renumber original amendments 1 and 2 as 2 and 3, respectively.

Mr. Kremer asked unanimous consent to print the following amendment to LB 816 in the Journal. No objections. So ordered.

(Amendment to Req. 2753)

1. On page 1, in line 2, strike "forty-one" and insert "forty-one million"; in line 3, strike "forty-five" and insert "forty-four million three hundred thousand".

(Amendment to Req. 2836)

1. On page 1, line 4, strike "and" and insert an underscored comma; in line 5, after "counties" insert ", and seven hundred thousand dollars for aid to natural resources districts".

2. Insert the following new section:

"Sec. 6 The appropriation provided for in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county to the State Board of Equilization and Assessment pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative

Services. Each amount shall be distributed in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July 1, 1982, and each July, thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.".

3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 928. E & R amendments found in the Journal on page 1564 for the Fifty-Third Day were adopted.

Mr. Warner asked unanimous consent to withdraw his pending amendment, Req. #2882, found in the Journal on page 1500. No objections. So ordered.

Mr. Warner renewed his pending amendment, Req. #2924, found in the Journal on page 1553.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Warner asked unanimous consent to withdraw his pending amendment found in the Journal on page 1574. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

1. Insert a new section as follows:

"Sec. 85. That section 71-1902, Reissue Revised Statutes of Nebraska, 1943, as amended by this act is repealed if Legislative Bill 520, Eighty-Seventh Legislature, First Session, 1981, becomes law.".

2. Renumber remaining sections accordingly.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Warner renewed his pending amendment, Req. #1809, found in the Journal on page 1731.

Mr. Beutler offered the following amendment to the Warner amendment:

Change 'July 1, 1983' in lines 18 & 19, page 1 to 'December 31, 1982'

Change 'July 1, 1983' in lines 5 & 6 page 3 to 'Dec. 31, 1982'

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 10:

Beutler
Chambers
Dworak
Fowler
Goodrich
Kahle
Kilgarin
Labedz
Pirsch
Wesely

Voting in the negative, 26:

Apking
Barrett
Chronister
Cope
Cullan
Duda
Fenger
Goll
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wiitala

Present and not voting, 9:

Carsten
Clark
DeCamp
Haberman
Higgins
Kremer
Lamb
Sieck
Vickers

Excused and not voting, 4:

Beyer
Burrows
Marvel
Schmit

The Beutler amendment lost with 10 ayes, 26 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Beutler offered the following amendment to the Warner amendment;

In line 7 page 1 strike the word 'among' and substitute the words "between the general fund account and"

In line 12, page 1 delete "a specific" and substitute the words "the general".

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 9:

Beutler
Cullan
Dworak
Kahle
Kilgarin
Landis
Newell
Sieck
Wesely

Voting in the negative, 25:

Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Koch
Lamb
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 11:

Apking
Chambers
Duda
Fenger
Higgins
Kremer
Labedz
Nichol
Vickers
Warner
Wiitala

Excused and not voting, 4:

Beyer
Burrows
Marvel
Schmit

The Beutler amendment lost with 9 ayes, 25 nays, 11 present and not voting, and 4 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Warner amendment:

Add the words "within two days" after the word 'provide' in line 15, page 2.

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment to the Warner amendment:

Provided however that all borrowed funds shall be repaid prior to July 1, 1983.

The amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

The Warner amendment, as amended, was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Messrs. H. Peterson, Barrett, and Chronister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner renewed his pending amendment found in the Journal on page 1734.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1754.

The amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mrs. Higgins offered the following amendment:
Amend the Appropriations Committee amendment Req. #2744 to LB 928 as follows:
On page 14, line 5 of the amendment, strike the word "five" and insert "ten".

Mrs. Higgins moved for a Call of the House. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 13:

Beutler
DeCamp
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Kremer
Labedz
Landis
Newell
Wesely
Wiitala

Voting in the negative, 23:

Apking
Carsten
Cope
Cullan
Dworak
Goll
Goodrich
Hefner
Johnson, L.
Kahle
Koch
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Warner

Present and not voting, 8:

Barrett
Chronister
Clark
Duda
Fenger
Haberman
Pirsch
Wagner

Excused and not voting, 4:

Beyer	Burrows	Marvel	Schmit

Absent and not voting, 1:

Chambers

The Higgins amendment lost with 13 ayes, 23 nays, 8 present and not voting, 4 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 89A in the Journal. No objections. So ordered.

Req. #1824

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $8,456 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $25,792 from the General Fund for the period July 1, 1983, to June 30, 1984, to the Supreme Court, for Program 03, to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $8,456 for the period July 1, 1982, to June 30, 1983, nor $25,792 for the period July 1, 1983, to June 30, 1984.

Sec. 2. There is hereby appropriated (1) $56,967 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $173,783 from the General Fund for the period July 1, 1983, to June 30, 1984, to the District Courts, for Program 06, to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $56,967 for the period July 1, 1982, to June 30, 1983, nor $173,783 for the period July 1, 1983, to June 30, 1984.

Sec. 3. There is hereby appropriated (1) $45,188 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $137,830 from the General Fund for the period July 1, 1983, to June 30, 1984, to the Supreme Court, for Program 396, to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $45,188 for the period July 1, 1982, to June 30, 1983, nor $137,830 for the period July 1, 1983, to June 30, 1984.

Sec. 4. There is hereby appropriated (1) $5,135 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $15,663 from the General Fund for the period July 1, 1983, to June 30, 1984, to the Workmens' Compensation Court, for Program 530, to aid in carrying out the provisions of Legislative Bill 89. Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall neither exceed $5,135 for the period July 1, 1982, to June 30, 1983, nor $15,663 for the period July 1, 1983, to June 30, 1984.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 799A. Placed on Select File.

LEGISLATIVE BILL 903. Placed on Select File as amended.
E & R amendments to LB 903:

1. In standing committee amendments, page 4, line 7, strike "their" and insert "its"; and in line 8 insert an underscored comma after "servants".

2. In the title, strike lines 2 to 10 and insert:

"FOR AN ACT relating to motor vehicle fuels; to amend sections 60-312, 66-434, and 66-624, Reissue Revised Statutes of Nebraska, 1943, section 66-466, Revised Statutes Supplement, 1980, and section 60-302, Revised Statutes Supplement, 1981; to change motor vehicle registration provisions; to provide and change penalties; to provide a grace period; and to repeal the original sections, and also section 66-439, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 903A. Placed on Select File.

(Signed) Karen Kilgarin, Chairperson

SELECT FILE

LEGISLATIVE BILL 480. E & R amendment found in the Journal on page 1278 for the Forty-Sixth Day was adopted.

Messrs. Hoagland, Beyer, and Sieck renewed their pending amendment, Req. #2810, found in the Journal on page 1314.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 799. E & R amendment found in the Journal on page 1278 for the Forty-Sixth Day was adopted.

Messrs. DeCamp, Wesely, Schmit, and Haberman renewed their pending amendment, Req. #2835, printed separate from the Journal and referred to on page 1551.

The amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1616.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers offered the following amendment:
1. Page 5, line 25, following the period, insert: "A publicly owned utility shall not maintain possession of any property which it may acquire pursuant to a lien authorized by this section for a period of time longer than is reasonably necessary to dispose of such property."

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Remmers moved to indefinitely postpone LB 799.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Remmers motion to indefinitely postpone lost with 15 ayes, 17 nays, 14 present and not voting, and 3 excused and not voting.

Messrs. Newell and Vickers renewed their pending amendment found in the Journal on page 1754.

The amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Newell asked unanimous consent to have his name added as co-introducer to LB 799. No objections. So ordered.

Mr. Koch offered the following amendment:

(Amendments to Req. #2835)

1. On page 2, line 18, after "dollars" insert "from the Nebraska Energy Resource Fund"; and reinstate the stricken matter; in line 19 reinstate "University of Nebraska for"; in lines 20 and 21 strike the new matter and reinstate the stricken matter; and in line 22 strike "Committee".

Mr. Koch moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barrett
Beutler
Beyer
Chambers
Clark
Cope
Cullan
Dworak
Goll
Hoagland
Koch
Landis
Marsh
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 21:

Carsten
DeCamp
Duda
Fowler
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Newell
Nichol
Peterson, H.
Rumery
Schmit
Sieck
Von Minden
Wagner
Wesely

Present and not voting, 5:

Chronister Fenger Goodrich Higgins Labedz

Excused and not voting, 3:

Apking Burrows Marvel

The Koch amendment lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Sieck and Goll asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 799A.

Mr. Koch offered the following amendment:

1. On page 2, strike beginning with "Nebraska" in line 5 through "516" in line 6 and insert "University of Nebraska for energy research, development, and extension services".

Mr. Koch moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Koch requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barrett
Beutler
Beyer
Chronister
Clark
Cope
Cullan
Dworak
Higgins
Hoagland
Kilgarin
Koch
Landis
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 22:

Carsten
Chambers
DeCamp
Duda
Fenger
Fowler
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Marsh
Newell
Nichol
Peterson, H.
Rumery
Schmit
Von Minden
Wagner
Wesely

Present and not voting, 2:

Goodrich Labedz

Excused and not voting, 5:

Apking Burrows Goll Marvel Sieck

The Koch amendment lost with 20 ayes, 22 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Koch requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 11 nays, 5 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Marsh asked unanimous consent to print the following amendment to LB 89 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of forty-three thousand dollars. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-three thousand dollars by six per cent. On January 6, 1983, the salary of the Chief Justice and Judges of the Supreme Court as provided in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be adjusted by an amount equal to the average percentage adjustment in the State of Nebraska Classification and Pay Plan for state employees' salary grades for fiscal year 1983-84. The Governor shall receive an annual salary of forty thousand dollars. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 3. That original section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 through 6 and insert:

"FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to provide salary adjustments for Supreme Court judges; to provide for severability; and to repeal the original section.".

MR. LAMB PRESIDING

SELECT FILE

LEGISLATIVE BILL 602. E & R amendment found in the Journal on page 1279 for the Forty-Sixth Day was adopted.

Mr. V. Johnson offered the following amendment:

Req. #1810

1. On page 2, strike beginning with "The" in line 4 through "county" in line 10, show the old matter as stricken, and insert "The Department of Public Welfare shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs"; in line 12, strike the new matter and reinstate the stricken matter; and in line 14 after "available" insert "and shall use the financial eligibility criteria established for the standard of need developed by the Department of Public Welfare pursuant to section 68-126.".

2. Insert the following new sections:

"Sec. 3. That section 68-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-115. ~~(1) The term legal settlement in sections 68-101 to 68-116 shall be taken and considered~~

~~to mean as follows: Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a legal settlement therein; Provided, every person who has resided one year continuously within the state, but not in any one county, shall have a legal settlement in the county in which he has resided six months continuously.~~

~~(2) The time during which a person has been an inmate of any public or private charitable or penal institution, or has received care at public expense in any type of care home, nursing home or board and room facility licensed as such and caring for more than one patient or guest, and each month during which he has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence hereunder, as referred to in subsection (1) of this section.~~

~~(3) Every minor, who is not emancipated and settled in his own right, shall have the same legal settlement as the parent with whom he has resided.~~

~~(4) A legal settlement in this state~~ The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility for public assistance from the state and eligibility for medical services furnished by the county pursuant to section 68-104. The department shall not require a person to reside in a county or this state for more than one year to establish residency or legal settlement in the county or state respectively. Residency in this state shall be terminated and lost by ~~(a)~~ acquiring a new one in another state~~;~~ or ~~(b)~~ by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

Sec. 5. Counties shall maintain at no additional cost to the Department of Public Welfare, office and service facilities used for the administration of the public assistance programs as such facilities existed on April 1, 1982.".

3. On page 3, line 27, after "immediately" insert "adopt and".

4. On page 4, line 6, after "68-114," insert "68-115,".

5. Renumber remaining sections accordingly.

6. In the standing committee amendments, on page 923 of the Journal:

(a) On page 1, line 2, strike "4" and insert "6"; and in line 6, after "services" insert "furnished by the counties which are"; and

(b) Strike amendment 3.

7. In the title, line 2, after "68-114," insert "68-115,"; and in line 4 after the semicolon insert "to transfer certain administrative duties of welfare programs from the counties to the state;".

Mr. Haberman offered the following amendment to the V. Johnson amendment:

Sec. 3 page 2 of Johnson amendment line 22 strike word "not" line 24 strike words "more than 1 year" after word "for" line 23 add words 6 months.

The Haberman amendment lost with 8 ayes, 20 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Haberman offered the following amendment to the V. Johnson amendment:

Sec. 3 page 2 line 22 after 68-104. Strike all language to section 5.

The Haberman amendment lost with 6 ayes, 23 nays, 15 present and not voting, and 5 excused and not voting.

The V. Johnson pending amendment was adopted with 34 ayes, 1 nay, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 602A. Mr. V. Johnson and Mrs. Labedz renewed their pending amendment, Req. #1807, found in the Journal on page 1757.

Mr. V. Johnson moved to suspend the rules, Rule 5, Section 2 (b) and Section 7 (f) and (g), Rule 6, Section 3 (h), and Rule 7, Section 3 (d) to allow adoption of Req. 1807 to LB 602A.

Pending.

Messrs. Fenger and Duda asked unanimous consent to be excused. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mr. and Mrs. William Larson from Omaha; and 7 students and teacher from Pauline.

RECESS

At 5:58 p.m., on a motion by Mr. Wiitala, the Legislature recessed until 7:00 p.m.

AFTER RECESS

The Legislature reconvened at 7:01 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows, Marvel, Sieck, and Stoney who were excused; and Messrs. Beyer, Chambers, and Goll who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 933.

Correctly Engrossed

The following bills were correctly engrossed: 568, 688, 708, 753, 757, 835, 854, and 854A.

(Signed) Karen Kilgarin, Chairman

Enrollment and Review Changes to LB 568

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 568:

1. In the Nichol amendments adopted 4/5, lines 11, 15, and 19, the comma has been stricken; in line 9 "after" has been stricken and "before" inserted; and in line 10 " 'months' " has been stricken and " ';' " inserted.
2. In Req. 2666, page 2, line 19, the period has been stricken.
3. In line 13 of the title as amended, "to provide severability;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 835

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 835:

1. In line 3 of the E & R title amendment "; and to provide an exception" has been inserted after "prescribed".

Enrollment and Review Changes to LB 933

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 933:

1. In the Koch amendments adopted 4/6, page 1, line 10, the comma has been stricken and shown stricken; on page 3, lines 7 and 8, "Nebraska State Patrol" has been stricken; on page 5, line 6, the comma has been stricken; on page 6, line 22, "resident" has been stricken and pursuant to the amendment request "making a levy for nonresident" has been inserted; and on page 8, line 15, an underscored comma has been inserted after "1982".

Enrollment and Review Changes to LB 757

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 757:

1. The totally new section added by the Warner amendment has been renumbered as section 3 and original sections 2 and 3 as sections 4 and 5.
2. In the title, line 2, "77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section" has been inserted after "section"; in line 3, "to provide a temporary increase in the sales tax;" has been inserted after the semicolon; in line 5 "to change provisions for adjustment of tax rates; to provide a required reserve in budget preparation;" has been inserted after the second semicolon; and in line 6 "section" has been stricken and "sections" inserted.

Enrollment and Review Changes to LB 708

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 708:

1. On page 2 of the Nichol amendment, line 11, a comma has been inserted after "estate" and the Beutler amendment has been inserted immediately thereafter.
2. In the title, line 4, "and" has been stricken, and "a term" has been stricken and "terms; and to provide for permits" has been inserted.

Enrollment and Review Changes to LB 753

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 753:

1. In the Landis-DeCamp amendment, lines 4, 6, 13, and 15, "year" has been stricken and "years" inserted.

2. As a result of the Explanation of the Vote found in the Journal on page 1698, the new matter in the Cullan amendment, page 3, lines 1 to 3, has been inserted on page 4, after line 6, as a new "Fifth" paragraph and the rest of the amendment stricken.

3. On page 4, line 6 "and" has been stricken and shown as stricken; and in line 7, the new matter has been stricken and the stricken matter reinstated.

(Signed) Emory P. Burnett
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 602A. The V. Johnson motion to suspend the rules found in this day's Journal was renewed.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The V. Johnson motion prevailed with 32 ayes, 3 nays, 5 present and not voting, and 9 excused and not voting.

The Labedz-V. Johnson pending amendment, Req. #1807, found in the Journal on page 1757 was adopted with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Wiitala offered the following amendment:

1. Insert the following new section:

"Sec. 2. That section 9-146, Revised Statutes Supplement, 1980, be amended to read as follows:

9-146. (1) Not more than fifteen ~~ten~~ bingo occasions per month may be held by a licensed organization. Bingo occasions held as part of a limited period bingo shall not be counted in determining whether a licensed organization has exceeded the limitation provided in this subsection.

(2) Irrespective of the number of licensed organizations authorized to hold bingo occasions within a single structure or building, not more than two limited period bingos per year and, with the exception of a limited period bingo, not more than two bingo occasions per week may be held within such structure or building, except that one additional bingo occasion may be held in a structure or building per week if such additional occasion is conducted between the hours of 8:00 a.m. and

5:00 p.m. The governing board of the incorporated city or village in which such structure or building is situated or the governing board of the county in which such structure or building is situated, if it be situated outside the limits of an incorporated city or village, may allow, following actual notice to all licensed organizations within the boundaries of the political subdivision and published notice to the public and public hearing on such allowance, more than ~~two~~ four bingo occasions per week within such structure or building. Such allowance may be granted for a period not to exceed three years and only upon an affirmative showing that no building or structure suitable for the conduct of a bingo occasion is available for lease or rental within such political subdivision, except the structure or building for which the allowance is sought, and that no injury to the public welfare will result from such allowance.".

2. On page 6, line 9, after the first comma insert "9-146,".

3. Renumber original sections 2 to 4 as sections 3 to 5 respectively.

The Wiitala amendment lost with 8 ayes, 23 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Kahle requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 32 ayes, 3 nays, 9 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 787. E & R amendments found in the Journal on page 1279 for the Forty-Sixth Day were adopted.

Mr. Nichol renewed his pending amendment found in the Journal on page 1201.

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Miss Kilgarin renewed her pending amendment, Req. #2591, found in the Journal on page 1201.

The amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw his pending amendment found in the Journal on page 1508. No objections. So ordered.

Mr. Chambers offered the following amendment:
Add a new section to read:
"Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime."

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Koch requested a record vote on the Chambers amendment.

Voting in the affirmative, 27:

Apking
Barrett
Beutler
Beyer
Carsten
Chambers
Chronister
Cope
DeCamp
Dworak
Fowler
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Remmers
Rumery
Schmit
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 15:

Clark
Cullan
Fenger
Goodrich
Haberman
Hefner
Johnson, L.
Labedz
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Von Minden
Wagner

Present and not voting, 2:

Duda
Higgins

Excused and not voting, 5:

Burrows
Goll
Marvel
Sieck
Stoney

The Chambers amendment was adopted with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Nichol offered the following amendment:
Add the severability clause to LB 787.

The amendment was adopted with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

Req. #1825

(Second Final Reading Copy)

1. On page 14, line 15, strike "effective" and insert "operative" and strike "act" and insert "section".

2. Insert the following new section:

"Sec. 44. That section 32-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-705. Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it and below the signatures an affidavit in substantially the following form:

State of Nebraska)
) ss.
County of..........)

.... being first duly sworn, (Name of circulator) deposes and says that he or she is the circulator of the foregoing petition containing .... signatures; that he or she is a registered and qualified voter of the State of Nebraska and county wherein the signatures were obtained; that each person whose name appears on the petition sheet personally signed the petition in the presence of affiant; that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition; that he or she believes that each signer has stated his or her name, ~~his~~ street and street number or voting precinct, and ~~his~~ city, village, or post-office address correctly; that each petitioner when he or she signed this petition was a legal and qualified voter of the state and county and qualified to sign the same, and that affiant stated to each petitioner before he or she affixed his or her signature the legal effect and nature of such petition.

....
Circulator.

....
Address.

Subscribed and sworn to before me, a notary public, this .... day of

.........., 19...., at ...., Nebraska.

....
Notary Public.

Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it and above the signatures a statement in substantially the following form:

WARNING. Any person signing any name other than his or her own to any petition, or knowingly signing his or her name more than once for the same measure at one election, or who is not, at the time of signing or circulating the same, a registered voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any person who accepts money or other things of value for signing the petition, or any circulator who offers money or other things of value in exchange for a signature upon any such petition, or any officer or person willfully violating any provision of sections 32-702 to 32-713, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years, or by both such fine and imprisonment. Such statement shall be printed in bold-faced type.

If the circulator has given the bond provided for in this section, the words, and county wherein the signatures were obtained, may be omitted from the statement of the circulator's voting qualification in the foregoing form of affidavit.

Every circulator of a petition shall be of the constitutionally prescribed age or upwards, and a resident, and registered and qualified voter of the State of Nebraska and of the county wherein the petitioners reside, except that any person, otherwise qualified, may circulate a petition outside of the county of his or her residence if he or she shall first have filed with the Secretary of State a bond, approved by the Attorney General, in the sum of five hundred dollars, conditioned that in the procuring of signatures to the petition he or she will conform to all the requirements of sections 32-702 to 32-713. Such bond shall set forth the complete name and address of the bonded circulator. Any circulator circulating petitions under the provisions of sections 32-702 to 32-713 shall not be hired and salaried for the express purpose of circulating petitions. A circulator ~~may~~ shall not be paid for his or her expenses incident to circulation of petitions such as meals, travel and lodging. All signatures secured in a manner contrary to the provisions of sections 32-702 to 32-713 shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms herein prescribed are substantially followed.

Sec. 47. Sections 44 and 48 of this act shall become operative on January 1, 1983. The remaining sections of this act shall become operative on their effective date.

Sec. 48. That original section 32-705, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. On page 30, line 19, strike "A" and insert "~~A~~ The petition sponsor or sponsors shall provide the"; strike beginning with the comma in line 20 through "signers" in line 21, show as stricken, and insert "with copies of"; and in line 23 after the period insert "A copy of such statement shall be handed to each prospective signer.".

4. Renumber sections 44, 45, and 46 as sections 45, 46, and 49, respectively.

5. In the title, line 6, after the semicolon insert "to change provisions relating to circulators of petitions;"; in line 8, after "32-513," insert "32-705,"; and in line 12, after the semicolon insert "to provide operative dates;".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 909.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Change to LB 909

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 909:

1. In the title, line 4, the last comma has been stricken and a semicolon inserted.

(Signed) Emory P. Burnett
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 591. E & R amendment found in the Journal on page 1305 for the Forty-Sixth Day was adopted.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment, Req. #2812, printed separate from in the Journal and referred to on page 1165. No objections. So ordered.

Mr. Goodrich asked unanimous consent to withdraw his pending amendment found in the Journal on page 1443. No objections. So ordered.

Mr. Chambers asked unanimous consent to withdraw his pending amendment, Req. #2863, printed separate from the Journal and referred to on page 1363. No objections. So ordered.

Mr. Chambers offered the following amendment:

1. On page 3, after line 8 insert the following new subsection:

"(3) A city of the metropolitan class shall decrease any city sales and use tax existing on the effective date of this act imposed pursuant to this section by one half of one per cent."; and in line 9, strike "(3)" and insert "(4)".

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Barrett
Cope
Cullan
Dworak
Haberman
Kahle
Koch
Lamb
Peterson, R.
Remmers
Schmit
Vickers
Wagner

Voting in the negative, 26:

Apking
Beutler
Beyer
Carsten
Chronister
Clark
Duda
Fenger
Fowler
Goll
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Rumery
Von Minden
Warner
Wesely
Wiitala

Present and not voting, 6:

Chambers
DeCamp
Hefner
Higgins
Kremer
Pirsch

Excused and not voting, 4:

Burrows
Marvel
Sieck
Stoney

The Chambers amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Mr. Landis moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Beutler
Chronister
Clark
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Wesely
Wiitala

Voting in the negative, 18:

Apking
Barrett
Beyer
Carsten
Cope
Goll
Haberman
Hefner
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Schmit
Von Minden
Wagner
Warner

Present and not voting, 2:

Chambers
Vickers

Excused and not voting, 4:

Burrows
Marvel
Sieck
Stoney

Advanced to E & R for Engrossment with 25 ayes, 18 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE BILL 520. E & R amendments found in the Journal on page 1305 for the Forty-Sixth Day were adopted.

Mr. V. Johnson offered the following amendment:
Req. #1819

(Amendments to Req. 2635)

1. On page 3, lines 1 and 2, strike the comma; in line 2, after “children” insert “, including his or her own children who are age eight or under or children under his or her legal guardianship who are age eight or under,”; in line 11, strike “no” and insert “a twenty-five dollar”; and in line 12, after “license” insert “for providers with a daily average of less than thirty children and a fifty dollar fee charged for the issuance or renewal of each license for providers with a daily average of thirty or more children” and after the period insert “The license fee of a provider shall be paid to the department which shall retain the fee, except that when a city, village, or county has adopted any rule, regulation, or ordinance which establishes standards for licensed providers pursuant to subsection (2) of section 7 of this act and conducts all necessary inspections of any licensed provider pursuant to such subsection, the department shall transmit the license fee paid by such provider to the city, village, or county conducting the inspections.”.

2. On page 4, line 22, after the second period insert “(1)”.

3. On page 5, strike lines 5 through 8 and insert the following new subsections:

“(2) A city, village, or county may adopt rules, regulations, or ordinances establishing health and safety standards for providers of programs whether or not such providers are subject to licensure under section 4 of this act. If a city, village, or county adopts any rule, regulation, or ordinance establishing health and safety standards for licensed providers of programs, (a) such rules, regulations, or ordinances shall be identical to the department's rules and regulations for licensed providers pursuant to sections 1 to 11 of this act and (b) the city, village, or county and department shall coordinate the inspection and supervision of licensed providers to avoid duplication of inspections. A city, village, or county shall report any violation of its rules, regulations, or ordinances regulating licensed providers to the director who may cause a written charge to be brought pursuant to section 8 of this act. The city, village, or county shall administer and enforce its rules, regulations, and ordinances establishing health and safety standards for providers of programs, except that the exclusive remedy for the violation of such rules, regulations, and ordinances regulating providers subject to licensure pursuant to section 4 of this act shall be by the director pursuant to section 8 of this act.''.

4. On page 7, line 17, after the period insert ''Such rules and regulations shall apply to the various types of early childhood programs described in section 3 of this act.''.

5. On page 15, line 22, strike ''thirty'' and insert ''ninety''.

6. Insert the following new section:

''Sec. 13. That section 71-1902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1902. No person shall furnish, or offer to furnish, child care for two or more children from different families without having in full force and effect a written license issued by the department, upon such terms and conditions as may be prescribed by general rules and regulations promulgated by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance, and shall be subject to renewal under the same terms and conditions as the original license. For the issuance or renewal of each license the department shall charge a fee of ~~one dollar~~ five dollars for foster family homes, twenty-five dollars for group homes and twenty-five dollars for child-placing agencies. A license may be revoked for cause, after notice and hearing, in accordance with such rules and regulations as may be prescribed by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provide twenty-four hour care to children, under sixteen years of age, who are not related to the foster parent not including the foster family's own children or relatives' children regularly in the home who are under thirteen years of age;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four hour care for individuals in a residential setting; and

(3) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.''

7. On page 19, line 18, strike "and" and insert a comma; and in line 19 after "71-1901," insert "and 71-1902,".

8. On page 20, in line 5, after the semicolon insert "to change fees as prescribed;"; in line 7, strike "and" and insert a comma; and in line 8, after "71-1901," insert "and 71-1902,".

9. Renumber remaining sections accordingly.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Beutler
Chambers
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Schmit
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 18:

Apking
Beyer
Carsten
Clark
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Von Minden
Wagner

Present and not voting, 4:

Barrett
Chronister
Fenger
Goll

Excused and not voting, 4:

Burrows
Marvel
Sieck
Stoney

The V. Johnson amendment lost with 23 ayes, 18 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. H. Peterson moved to indefinitely postpone LB 520.

Laid over.

LEGISLATIVE BILL 629. E & R amendment found in the Journal on page 1305 for the Forty-Sixth Day were adopted.

Mr. Koch asked unanimous consent to withdraw his pending amendment, Req. #2765, found in the Journal on page 1051. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 629A. Considered.

Mr. Von Minden and Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. H. Peterson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Cullan requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 4:

Dworak
Landis
Pirsch
Vickers

Present and not voting, 1:

Johnson, V.

Excused and not voting, 7:

Burrows
Chambers
Higgins
Marvel
Sieck
Stoney
Von Minden

Advanced to E & R for Engrossment with 37 ayes, 4 nays, 1 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Miss Kilgarin asked unanimous consent to print the following amendment to LB 726 in the Journal. No objections. So ordered.

Amendment to the E & R amendments to LB 726
(REQ. #2858, pages 1364-1366 Legislative Journal)

1. On page 2, line 1, strike "line 9" and insert """withdrawals,in line 11"""; in line 2 after ""demands";" insert "in lines 14 through 16, strike the new matter and reinstate the stricken matter;" in line 9 strike beginning with "and" through "matter" in line 11 and insert: "; strike beginning with ", the" through "46-674" in line 25; and strike beginning with "sections" in line 26 through "46-674.01" on page 3, line 1 and insert "Chapter 46"".

ADJOURNMENT

At 8:53 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 8:00 a.m., Thursday, April 8, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 8, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 8, 1982

Pursuant to adjournment, the Legislature met at 8:01 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Senator Rumery.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Beutler, Burrows, Chambers, DeCamp, Fowler, Hoagland, V. Johnson, Landis, Newell, R. Peterson, Schmit, Stoney, Wesely, Miss Kilgarin, Mesdames Higgins, and Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1798, line 9, at end of line correct “““withdrawals,” in.
The Journal for the Fifty-Sixth Day was approved as corrected.

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and Landis asked unanimous consent to print the following amendment to LB 652 in the Journal. No objections. So ordered.

1. Strike the original sections and all amendments thereto and insert the following new sections:

“Section 1. The Legislature finds that the state has a high responsibility for the education of its citizens and the right to impose reasonable rules and regulations for the control and duration of basic education. The Legislature also finds that parents have the right to provide an equivalent education in a privately operated system. It is the intent of the Legislature that the State Department of Education act as the primary civil and criminal enforcement agency for violations of Chapter 79 and the rules and regulations promulgated thereunder.

Sec. 2. That section 79-1233, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1233. (1) The State Department of Education shall provide, by rule and regulation, that no ~~No~~ person shall be employed to teach in any public, private, denominational, or parochial school in this state who does not hold a valid Nebraska certificate or permit issued by the Commissioner of Education legalizing him or her to teach the grade or subjects to which elected, except that no Nebraska certificate or permit shall be required of persons teaching exclusively in junior colleges organized as part of the public school system.

(2) Public, private, denominational, or parochial schools in the state may employ persons who do not hold a valid Nebraska teaching certificate or permit issued by the Commissioner of Education to serve as aides to a teacher or teachers. Such teacher aides may not assume any teaching responsibilities. A teacher aide may be assigned duties which are nonteaching in nature, if the employing school has assured itself that the aide has been specifically prepared for such duties, including the handling of emergency situations which might arise in the course of his or her work.

(3) Rules and regulations mandated under this section shall be adopted and promulgated as provided in Chapter 84, article 9.

Sec. 3. That section 79-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1701. The State Department of Education shall provide, by rule and regulation, that all ~~All~~ private, denominational, and parochial schools in the State of Nebraska, and all teachers employed or giving instruction therein, shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications, and certification of teachers and promotion of pupils. The department shall also provide, by rule and regulation, that all ~~All~~ private, denominational, and parochial schools shall have adequate equipment and supplies, and shall be graded the same and shall have courses of study for each grade conducted therein, substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational, or parochial schools.

Rules and regulations mandated under this section shall be adopted and promulgated as provided in Chapter 84, article 9.

Sec. 4. (1) The State Department of Education shall have authority to determine whether any person is conducting a school which fails to meet the requirements of Chapter 79 or any rules and regulations adopted and promulgated pursuant to such chapter.

(2) Whenever the Commissioner of Education has reason to believe that a violation of any provision of Chapter 79 or any rule or regulation of the department has occurred, he or she may cause a written charge to be served upon the alleged violator. The charge shall specify the provisions of law or the rule or regulation alleged to be violated and the facts alleged to constitute a violation thereof. The commissioner shall provide for notice and a full and fair hearing at a time and place specified in such notice in which each alleged violator shall answer the charges complained of. The notice shall be delivered to each alleged violator not less than ten days before the time set for the hearing by personal service, by certified or registered mail to his or her last-known address, or by publication. Following the hearing the commissioner shall determine whether the charges are true or not and if true, the commissioner may issue a declaratory order finding the charges to be true and (a) impose a civil penalty of five dollars for each child attending the school for each day in volation, (b) issue an order requiring the violator to cease and desist violation, or (c) impose the civil penalty and issue the cease and desist order.

(3) Any civil penalty assessed and unpaid under the provisions of subsection (2) of this section shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the State of Nebraska in the district court of the county in which the violator resides or owns property.

(4) In addition to the powers provided to the commissioner in this section, he or she may petition the district court for an injunction whenever he or she believes that any person is violating any provision of Chapter 79 or any rule or regulation adopted and promulgated pursuant to such chapter.

Sec. 5. (1) Any decision rendered under section 4 of this act may be appealed pursuant to Chapter 84, article 9.

(2) Any penalty assessed under section 4 of this act may be waived by the Commissioner of Education upon a showing that the person is currently complying with all applicable requirements for the operation of a school.

Sec. 6. Upon application by any person operating a school, the State Department of Education shall waive conflicting requirements imposed by Chapter 79 or any rule or regulation adopted and promulgated pursuant to such chapter upon a showing that:

(1) The applicant's claims are rooted in religious belief and compliance with the laws and rules and regulations would conflict with fundamental tenets of the religion; and

(2) The values and programs of the public or private state approved school are in sharp conflict with the fundamental mode of life mandated by the applicant's religion.

Sec. 7. Any person applying for a waiver under section 6 of this act shall provide to the State Department of Education a list of the names, ages, and post office addresses of all persons of compulsory school age attending the school for which an exemption is sought.

Sec. 8. The State Department of Education upon receiving an application under section 6 of this act shall hold a hearing to determine whether the applicant has made the showing required by such section.

Sec. 9. (1) The State Department of Education may appoint a hearing examiner to conduct the hearings provided under sections 4 and 8 of this act.

(2) In proceedings under sections 4 and 8 of this act the department shall have the powers possessed by the courts of this state to issue subpoenas and cause them to be served and enforced. All testimony shall be under oath which shall be administered by a member of the department. Any person who appears before the department shall have all of the due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. All witnesses summoned before the department shall receive reimbursement as paid in like circumstances in the district court.

(3) The department shall cause a record to be made of all proceedings pursuant to sections 4 and 8 of this act.

Sec. 10. That original sections 79-1233 and 79-1701, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

REPORT OF EXECUTIVE BOARD

April 7, 1982

The Legislative Council Executive Board hereby submits the Attached 1982 Preliminary Reference Report on Legislative Resolutions as approved by the Executive Board on April 7, 1982

All Committee Chairpersons are asked to prioritize the resolutions with the highest priority Resolution listed as No. 1. The listing must be submitted to the Board by April 13, 1982. The Executive Board will then consider the priority listings and submit a final reference report to the Legislature by April 14, 1982. It is anticipated that no more than four (4) Study Resolutions will be referred to any particular committee for study.

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

1982 Resolutions Calling for a Study

202 Norden Dam Project. (DeCamp) Public Works

223 Retail purchase of alcoholic beverages on credit. (Newell) Miscellaneous Subjects

235 Voting structure of Public Power systems in Nebraska. (Kremer, Vickers) Public Works

241 Financial assistance to students attending institutions of higher education. (Cullan, Koch) Education

248 Study by Administrative Rules Committee into feasibility of employing an independent hearing examiners system for NE state agencies. (V. Johnson, etc.) Administrative Rules and Regulations Review

253 Study of the impact on the tax base of political subdivisions and the tax burden of remaining property owners when private property is removed from tax rolls. (Vickers, Barrett) Revenue

255 Theft of electricity, gas and water. (Schmit) Judiciary

263 Study current issues and concerns within liquor control in NE. (Misc. Subj., Hefner) Miscellaneous Subjects

264 Review NE Political Accountability and Disclosure Act. (Misc. Subj., Hefner) Miscellaneous Subjects

265 Examine issues or potential problems in NE bingo laws and how state lotteries and gambling laws relate thereto. (Misc. Subj., Hefner) Miscellaneous Subjects

273 Study whether passage of legislation reducing or eliminating limitations on interest rates, etc. will encourage out-of-state banks to move into NE. (Hoagland) Banking, Commerce and Insurance

275 Study of ongoing State Water Planning and Review Process. (Beutler) Public Works

280 Evaluation of Nebraska's present method for selecting judges. (Beyer) Judiciary

282 Study issues regarding NE Teachers Professional Negotiation Act. (Koch) Education

283 Study current situation re education programs for pre-kindergarten children. (Koch) Education

284 Study issues in LB 638 which proposed a NE Library Services Act. (Koch) Miscellaneous Subjects

285 Study of the victim compensation law. (Sieck, etc.) Judiciary

286 Study of method used for determining in lieu of tax money payments on school lands. (Koch) Education

288 Study of certain aspects of population-based system under which municipalities in NE are classified. (Landis) Urban Affairs

289 Study of minimum qualifications for elected government office holders in NE. (Landis) Government, Military and Veterans Affairs

290 Study of existing conflict of interest statutes applicable to local subdivisions, with intent of recodifying those laws. (Landis) Urban Affairs

291 Study effects pending federal legislation on deregulation of phone companies. (Clark) Telecommunications

294 Appointment of Public Service Commissioners. (Con. Rev., Labedz) Constitutional Revision and Recreation

296 Investigate policies, etc. of Department of Welfare in its actions as guardian of children. (Wiitala) Public Health and Welfare

297 Wrongful births legal action. (Labedz) Judiciary

299 Issues raised by LB 746, and other means of promoting efficiency and productivity among state employees. (Kahle) Government, Military and Veterans Affairs

300 Study of the impact on government subdivisions of tax exempt school lands located within their jurisdiction. (Kahle) Government, Military and Veterans Affairs

301 Study of LB 624 concerning use, access, and disclosure of information within the control of state government. (Kahle) Government, Military and Veterans Affairs

302 Study of vehicle mounted systems to deter drunk driving. (Kahle) Public Works

303 Study of the methods of financing political campaigns in NE and alternatives to those methods. (Kahle) Miscellaneous Subjects

305 Study adequacy and constitutional provisions of the current Dental Practice Act, especially those sections dealing with "other dental auxiliaries." (Fowler) Public Health and Welfare

306 Study of rationale for LB 567 to determine if intent was that parole violators whose parole is revoked should be eligible to accrue good time during the "new" prison term. (Fowler) Judiciary

307 Study of the issue of nuclear waste transportation from Cooper Nuclear Station. (Fowler) Agriculture and Environment

308 Study and recommend changes in procedure for estimating General Fund revenues for the State of NE. (Fowler) Revenue

310 Examine current issues concerning NE Workmen's Compensation Law. (Kilgarin) Business and Labor

311 Examine current issues concerning resolution of public employment disputes in the NE Commission of Industrial Relations. (Bus. & Labor, Barrett) Business and Labor

312 Examine current issues concerning NE Unemployment Insurance Law. (Bus. & Labor, Barrett) Business and Labor

314 Study of methods of increasing state aid and revenue sharing to local governments for purpose of providing property tax relief. (Revenue, Carsten) Revenue

315 Study of feasibility and desirability of dedicating receipts from state sales and use tax for state aid and revenue sharing programs. (Revenue, Carsten) Revenue

317 Review of statutes and policies pertaining to funding mechanisms as possible financial alternatives to funding of three legal service organizations in NE by federal Legal Services Corporation.(Government Com., Kahle)Government, Military and Veterans Affairs

318 Study of: flow of major money sources; effect of such major money flow on state's agricultural, financial, business economic sectors; etc. (Banking, DeCamp) Banking, Commerce and Insurance

319 NE statutes and free market system. (Banking, DeCamp) Banking, Commerce and Insurance

320 Review of adequacy of state's insurance laws and regulations. (Banking, DeCamp) Banking, Commerce and Insurance

321 Feasibility of establishing separate Repeat Offender's Court in NE for prosecuting repeat felons. (Haberman) Judiciary

322 Study of possibility of allowing Governor or appropriate state agency director to declare an emergency and allow higher load limits for trucks transporting crops to processing plants. (Haberman) Agriculture and Environment

323 Study of corporate chain ownership of nursing homes in NE. (Haberman) Public, Health and Welfare

324 Study feasibility of requiring criminal offenders to pay for expense of their incarceration. (Haberman) Judiciary

325 Study of LR 218, repeal of Federal Reserve Act and restore gold standard. (Banking, DeCamp) Banking, Commerce and Insurance

326 Study of Air Force plans for MX deployment, etc. (Clark) Executive Board

327 Examine effectiveness of drunk driving legislation passed by Legislature this session. (Hoagland) Judiciary

328 Study findings and recommendations of studies completed to date in the State Water Planning and Review Process. (Hoagland) Public Works

329 Study management, supervision and utilization of personnel and vehicles of Department of Roads and operation of the Transportation Services Bureau in its purchase of fuel and utilization of vehicles. (Beyer, R. Peterson) Government, Military and Veterans Affairs

330 Discovery and development of NE's geothermal resources. (Nichol) Public Works

332 Study of funding of regional community based mental retardation services and of private and non-regional community services. (Sieck, Hefner) Appropriations

333 Study philosophy and intent related to role and mission for the Nebraska Common Schools. (Koch) Education

334 Study alternatives for funding water projects. (Schmit, Kremer) Public Works

335 Study various aspects of retirement plans for public employees of state and subdivisions. (Retirement, Fowler) Nebraska Retirement Systems

336 Study all elements of the regulations of various health care professions and occupations. (Public Health, Cullan) Public Health and Welfare

337 Study of costs and benefits of medical and hospital care in NE. (Public Health, Cullan) Public Health and Welfare

338 Study issuance of tax-exempt bonds to bring capital into state to invest in a variety of projects. (Wesely, Chambers) Banking, Commerce and Insurance

339 Study of potential tax incentives to increase jobs in the state. (Wesely) Revenue

340 Study of whether banks in NE should be allowed to engage in real estate brokerage, real property management, and real estate development, syndication, and appraisal. (Kilgarin, DeCamp) Banking, Commerce and Insurance

341 Consider the development of standards for the use of cameras in NE courtrooms. (Judiciary, Nichol) Judiciary

342 Study to evaluate the crime victims' reparation process and explore alternative funding mechanisms. (Judiciary, Nichol) Judiciary

343 Study of all aspects of the use of wiretapping. (Judiciary, Nichol) Judiciary

344 Utilize the legislative public hearing process to evaluate various proposals for changes in criminal procedure offered by the NE County Attorneys Association, etc. (Judiciary, Nichol) Judiciary

345 Coordinate efforts being made by Judiciary Committee and various NE Bar Association and Supreme Court Drafting Committees with regard to problem areas in our law governing civil procedure. (Judiciary, Nichol) Judiciary

346 Study public involvement in Legislative process. (Wesely) Administrative Rules & Regulations Review

347 Examine the need for various tax exemptions and tax expenditures in NE. (Wesely) Revenue

348 Study the level of unfunded liabilities for various pension plans for municipal employees in NE cities. (Wesely) Nebraska Retirement Systems

349 Study effects of the Reagan administration tax proposals in NE. (Fowler) Appropriations

350 Study to examine the effects of the elimination of state and local subdivision grants on the state. (Fowler) Appropriations

351 Study effect of reduction of Environmental Protection Agency Construction Grants on the state. (Fowler) Appropriations

352 Study effects of proposed federal budget reductions in direct loans on the State of NE. (Fowler) Appropriations

353 Study effects of proposed federal budget cuts in federal direct grants to NE and subdivisions, specifically reductions of grants in elementary, secondary and vocational education. (Fowler) Appropriations

354 Effects of proposed federal budget cuts in federal direct grants to NE and local subdivisions, specifically reductions in highway grants and the Urban Mass Transportation Fund. (Fowler) Appropriations

355 Study effects of proposed federal budget reductions in federal direct grants to NE and local subdivisions, specifically reductions and eventual elimination of Energy Conservation Grants. (Fowler) Appropriations

356 Study effects of proposed federal budget reductions on food stamps and aid for families with dependent children (AFDC) programs in NE. (Fowler) Appropriations

357 Study effects of the proposed budget cuts in the Medicaid program on NE. (Fowler) Appropriations

358 Study methods of involving interested Nebraskans and members of the Legislature in the development of solutions to our energy problem. (Public Works, Kremer) Public Works

360 Study of the scope of services that SIDs may appropriately be permitted to offer their residents. (Wiitala, Landis, Beyer) Urban Affairs

361 Study on what is necessary to put prisoners to work and cut the cost of maintenance of prison system. (DeCamp) Judiciary

362 To examine establishment of uniform licensing, taxes, and weight/size restrictions for all highway freight carrying vehicles. (Wesely, Cullan) Public Works

363 Examine effects of longer, heavier trucks, including overweight and triple trailer trucks on safety, road damage, fuel efficiency. (Cullan, Wesely) Public Works

364 Study quality of education offered to UN as it relates to funding. (Fowler) Appropriations

365 Study feasibility of developing waste rubber processing plant in NE. (Wesely) Public Works

366 Study feasibility of providing authority for NE Public Service Commission to regulate natural gas rates and service. (Landis, Fowler, Beutler, Wesely) Public Works

367 Give guidance to Agriculture Committee in interim activities when dealing with issues of crucial importance to agriculture in NE. (Ag Com., Schmit) Agriculture and Environment

368 Protection owners of grain stored in public storage facilities. (Ag Com., Schmit) Agriculture and Environment

369 Provide for review of matters leading to and possibly supporting introduction in next session of legislation authorizing NE to enter into compact with midwest region states relative to low level radioactive waste disposal facility. (Ag Com., Schmit) Agriculture and Environment

370 Examine financial and tax problems confronting horse racing industry. (Ag Com., Schmit) Miscellaneous Subjects

371 Study laws regulating investment of money placed in various pension funds in NE. (Higgins, DeCamp, Schmit, Labedz) Banking, Commerce and Insurance

372 Study legislative rules, including use of time, priority bills process, germaneness, interim studies, etc. (Wesely, etc.) Administrative Rules & Regulations Review

373 Study with NE Commission on Status of Women to acquire deeper understanding of demographics of NE. (Marsh, etc.) Business and Labor

374 Study to examine issues related to containment of rising health care costs. (DeCamp, Wesely, Schmit) Banking, Commerce and Insurance

375 Containment of cost care. (Higgins, Labedz, etc.) Banking, Commerce and Insurance

376 Nebraska's higher education system, and the most effective use of tax dollars for higher education. (Wesely) Education and Appropriations

377 Study possibility of establishing a research liaison with UN to supplement research capabilities of legislative staff. (Wesely) Executive Board

378 Study of problems associated with small power producers and cogenerators and their integration into NEs electrical grid system. (Wesely) Public Works

379 Examine functioning of the Municipal Power Pool and the Municipal Energy Agency of NE. (Warner, etc.) Executive Board

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 6, Section 7(b) to permit consideration on final reading of LB 761.

The motion prevailed with 30 ayes, 0 nays, 2 present and not voting, and 17 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 761. With Emergency.

A BILL FOR AN ACT to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1983; to amend Laws 1981, LB 163, sections 3 and 4, as amended by Laws 1981, First Special Session, LB 8, sections 77 and 78, respectively, Laws 1981, LB 245A, section 1, and sections 3 to 6, as amended by Laws 1981, First Special Session, LB 8, sections 88 to 92, respectively, Laws 1981, First Special Session, LB 8, section 84, and Laws 1979, LB 184A, section 3; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Chambers
Stoney

Excused and not voting, 4:

Burrows
Higgins
Labedz
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 754. With Emergency.

A BILL FOR AN ACT relating to appropriations; to shift appropriations within agencies; to make deficiency appropriations; to amend Laws 1981, LB 207A, section 1, as amended by Laws 1981, First Special Session, LB 8, section 87, Laws 1981, LB 328A, section 1, as amended by Laws 1981, First Special Session, LB 8, section 94, Laws 1981, LB 487A, section 2, as amended by Laws 1981, First Special Session, LB 8, section 96, Laws 1981, LB 557, section 11, Laws 1981, LB 558, section 4, and sections 8, 12, and 13, as amended by Laws 1981, First Special Session, LB 8, sections 4, 8, and 9, Laws 1981, LB 559, section 23, and sections 4, 5, 8, 10, 16, 18, 19, 21, 24, 27, and 31, as amended by Laws 1981, First Special Session, LB 8, sections 11, 12, 14, 16, 21, 23, 24, 26, 28, 31, and 34, respectively, Laws 1981, LB 559, section 6, as amended by Laws 1981, LB 487A, section 2, as amended by LB 8, Eighty-seventh Legislature, First Special Session, 1981, section 96, Laws 1981, LB 560, sections 6, 9, and 10, as amended by Laws 1981, First Special Session, LB 8, sections 54, 57, and 58, respectively, Laws 1981, LB 561, sections 20 and 21, and sections 5, 9, and 16, as amended by Laws 1981, First Special Session, LB 8, sections 63 and 67, respectively, Laws 1981, LB 459A, section 13, and Laws 1981, LB 548, section 1; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Higgins
Labedz
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendment to LB 807

Mr. Hefner asked unanimous consent to withdraw his pending amendment, Req. #1825, to LB 807 found in the Journal on page 1789. No objections. So ordered.

MOTION - Return LB 807 to Select File

Mr. Hefner moved to return LB 807 to Select File for the following specific amendment:

(Second Final Reading Copy)

1. On page 14, line 15, strike "effective" and insert "operative" and strike "act" and insert "section".

2. Insert the following new section:

"Sec. 44. That section 32-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-705. Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it and below the signatures an affidavit in substantially the following form:

State of Nebraska)
) ss.
County of..........)

.... being first duly sworn, (Name of circulator) deposes and says that he or she is the circulator of the foregoing petition containing .... signatures; that he or she is a registered and qualified voter of the State of Nebraska and county wherein the signatures were obtained; that each person whose name appears on the petition sheet personally signed the petition in the presence of affiant; that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition; that he or she believes that each signer has stated his or her name, ~~his~~ street and street number or voting precinct, and ~~his~~ city, village, or post-office address correctly; that each petitioner when he or she signed this petition was a legal and qualified voter of the state and county and qualified to sign the same, and that affiant stated to each petitioner before he or she affixed his or her signature the legal effect and nature of such petition.

....
Circulator.

....
Address.

Subscribed and sworn to before me, a notary public, this .... day of ...., 19...., at ...., Nebraska.

....
Notary Public.

Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it and above the signatures a statement in substantially the following form:

WARNING. Any person signing any name other than his or her own to any petition, or knowingly signing his or her name more than once for the same measure at one election, or who is not, at the time of signing or circulating the same, a registered voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any person who accepts money or other things of value for signing the petition, or any circulator who offers money or other things of value in exchange for a signature upon any such petition, or any officer or person willfully violating any provision of sections 32-702 to 32-713, shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years, or by both such fine and imprisonment. Such statement shall be printed in bold-faced type.

If the circulator has given the bond provided for in this section, the words, and county wherein the signatures were obtained, may be omitted from the statement of the circulator's voting qualification in the foregoing form of affidavit.

Every circulator of a petition shall be of the constitutionally prescribed age or upwards, and a resident, and registered and qualified voter of the State of Nebraska and of the county wherein the petitioners reside, except that any person, otherwise qualified, may circulate a petition outside of the county of his or her residence if he or she shall first have filed with the Secretary of State a bond, approved by the Attorney General, in the sum of five hundred dollars, conditioned that in the procuring of signatures to the petition he or she will conform to all the requirements of sections 32-702 to 32-713. Such bond shall set forth the complete name and address of the bonded circulator. Any circulator circulating petitions under the provisions of sections 32-702 to 32-713 shall not be hired and salaried for the express purpose of circulating petitions. A circulator ~~may~~ shall not be paid for his or her expenses incident to circulation of petitions such as meals, travel and lodging. All signatures secured in a manner contrary to the provisions of sections 32-702 to 32-713 shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms herein prescribed are substantially followed.

Sec. 47. Sections 44 and 48 of this act shall become operative on January 1, 1983. The remaining sections of this act shall become operative on their effective date.

Sec. 48. That original section 32-705, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

3. On page 30, line 19, strike "A" and insert "~~A~~ The petition sponsor or sponsors shall provide the"; strike beginning with the comma in line 20 through "signers" in line 21, show as stricken, and insert "with copies of".

4. Renumber sections 44, 45, and 46 as sections 45, 46, and 49, respectively.

5. In the title, line 6, after the semicolon insert "to change provisions relating to circulators of petitions;"; in line 8, after "32-513," insert "32-705,";

and in line 12, after the semicolon insert "to provide operative dates;".

Mr. Hoagland requested a ruling of the Chair on whether the Hefner amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Hefner moved to suspend Rule 7 §3(d) and Rule 1 §12 to permit consideration of the Hefner amendments contained in Req. 1825 to LB 807 without further debate on germaneness issues.

Mr. Hefner requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 30:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Clark
DeCamp
Duda
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner

Voting in the negative, 15:

Burrows
Chambers
Cope
Cullan
Dworak
Fowler
Hoagland
Kilgarin
Koch
Lamb
Marsh
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 1:

Fenger

Excused and not voting, 3:

Higgins
Labedz
Marvel

The Hefner motion to suspend the rules prevailed with 30 ayes, 15 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 14 nays, and 10 not voting.

Mr. Hefner requested a roll call vote on his motion to return LB 807 to Select File.

Voting in the affirmative, 21:

Beyer
Carsten
Chronister
DeCamp
Duda
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Rumery
Schmit
Von Minden
Wagner

Voting in the negative, 23:

Apking
Barrett
Burrows
Chambers
Clark
Cope
Cullan
Dworak
Fowler
Goll
Hoagland
Kilgarin
Koch
Marsh
Newell
Pirsch
Remmers
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 2:

Beutler
Fenger

Excused and not voting, 3:

Higgins
Labedz
Marvel

The Hefner motion to return lost with 21 ayes, 23 nays, 2 present and not voting, and 3 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 7, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Harrison, H. H. - Dallas, TX, Pfizer, Inc.
Ingerle, Edna M. - Grand Island, Realfacs Abstract & Title Company
Tews and Radcliffe:
  Radcliffe, Walter H. - Lincoln, Scientific Games (Withdrawn 4/5/82)

ATTORNEY GENERAL'S OPINION

Opinion No. 243
April 7, 1982

Dear Senator Lamb:

LB 895 of the Eighty-Seventh Legislature (1982), contained a formula for determining the high school tuition rate for nonresident pupils. You have asked if this legislative bill is constitutional.

LB 895 was amended on February 25, 1982. On April 6, 1982, it was inserted, with amendments, into LB 933. In its current posture, LB 933 requires the high school tuition rate for nonresident pupils to be determined annually by the receiving school district on a uniform taxation basis for the support of the high school program of the receiving school district. The formula for making such a determination is set forth in Section 2 of LB 933, as amended. It is rather long and therefore is not recited verbatim herein. In general, the formula uses, inter alia, the most current annual term finance report of the receiving school district on file with the State Department of Education. It includes the total current expense listed therein plus 10 per cent depreciation of certain assets divided by an amount equal to the most current total valuation on record with the county clerk of the receiving school district plus a valuation determined by multiplying the most current valuation on record with the county clerk of all Class I school districts, not part of any Class IV district, in the county times a certain ratio.

The "rate" determined by Section 2 of LB 933 will obviously vary from school district to school district. Each school district has different current expenses plus different asset values, as well as different valuations on record with the county clerk. Thus, for the purpose of this opinion, we cannot mathematically determine the per pupil cost of each school district. And, for the same reason, we cannot say that the formula in this legislative bill for determining tuition is or is not unconstitutional.

It appears to us that the following rule announced by the Nebraska Supreme Court is applicable:

> As is clearly apparent in a situation such as this the needs are not capable of exact ascertainment. In the very nature of things and as the pertinent statutes declare there may only be estimates, which of course negative any thought that accuracy must be attained. The true test is that there shall be a reasonable and approximate estimate and determination made in the light of the known and reasonably ascertainable facts and also in the lights of known and fairly anticipated conditions.

Mann v. Wayne County Board of Equalization, 186 Neb. 759, 186 N.W.2d 729 (1971).

It appears to us that the formula for determining per pupil cost in LB 933 comes within the above stated rule. Whether, mathematically, that formula would yield a per pupil cost which a court in a particular case could find is constitutional or unconstitutional, involves facts which are not at our disposal. Hence, we are in no position to offer an opinion that LB 933 is or is not constitutional.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Harold Mosher
Assistant Attorney General

HM/cmbw4
cc: Patrick J. O'Donnell
Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 807.

A BILL FOR AN ACT relating to elections; to provide procedures for initiative and referendum measures; to define terms; to provide duties; to provide penalties; to change various provisions relating to municipal elections; to harmonize provisions; to amend sections 15-301, 16-6,108, 32-513, 32-713.01, and 71-3305, Reissue Revised Statutes of Nebraska, 1943, sections 14-201 and 14-204, Revised Statutes Supplement, 1980, and section 16-302.01, Revised Statutes Supplement, 1981; and to repeal the original sections, and also sections 18-101, 18-104 to 18-116, 18-118, 18-120 to 18-128, 19-427 to 19-430, 19-638, 19-640, 19-641, 19-643, and 19-644, Reissue Revised Statutes of Nebraska, 1943, sections 18-102, 18-103, 19-431, and 19-639, Revised Statutes Supplement, 1980, and sections 18-119 and 18-119.01, Revised Statutes Supplement, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 942. With Emergency.

A BILL FOR AN ACT relating to state assistance; to create a cash fund; to expand the uses authorized for certain funds; to increase the limitation on certain fares; to change provisions relating to public assistance; to provide for pro rata reduction in medical assistance payments; to limit certain payments and crime victim's reparations; to amend sections 19-3910 and 43-626, Reissue Revised Statutes of Nebraska, 1943, sections 43-512, 81-1822, and 84-1301, Revised Statutes Supplement, 1980, and section 43-607, Revised Statutes Supplement, 1981; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner

Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 970. With Emergency.

A BILL FOR AN ACT to amend sections 44-1620 and 44-1620.01, Revised Statutes Supplement, 1981, relating to insurance for state employees; to increase the state contribution for health insurance; to provide an option for some retirees; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 970A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 970, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 531.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 7, of the Constitution of Nebraska, relating to the Legislature; to provide that members of the Legislature shall be reimbursed for expenses reasonably and necessarily incurred; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

Be it enacted by the people of the State of Nebraska,

Section 1. If the amendment proposed by Laws 1981, LB 138, is defeated at the primary election in May 1982, at the general election in November, 1982, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; Provided, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall be reimbursed for his or her actual expenses reasonably and necessarily incurred in the performance of his or her duties. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

> "Constitutional amendment to provide that members of the Legislature shall be reimbursed for their actual expenses reasonably and necessarily incurred in the performance of their duties.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Barrett
Beutler
Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 11:

Apking
Carsten
Clark
Cope
Hefner
Pirsch
Schmit
Sieck
Stoney
Von Minden
Warner

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Marvel

A constitutional three-fifths majority having voted in the affirmative, the bill was declared passed for the general election.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 761, 754, 807, 942, 970, 970A, and 531.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 754E.

(Signed) Marge Higgins

UNANIMOUS CONSENT - Print in Journal

Messrs. Cullan and V. Johnson asked unanimous consent to print the following amendment to LB 212 in the Journal. No objections. So ordered.

Req. #1813

(Final Reading Copy)

1. Insert the following new sections:

"Sec. 10. That section 81-638, Revised Statutes Supplement, 1981, be amended to read as follows:

81-638. (1) The Legislature shall appropriate each year from the General Fund to the Department of Health an amount of not more than the estimated revenue derived from one cent of the cigarette tax imposed by section 77-2616, less any amount appropriated from the General Fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. ~~The director shall, after deducting expenses incurred in~~

(2) Beginning July 1, 1983, the revenue derived from one cent of the cigarette tax imposed by section 77-2616 shall be plaecd in the Cancer Research and Registry Fund, which fund is hereby created. Such fund shall be used for funding (a) sections 81-637 to 81-640, (b) the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases, (c) sections 1 to 9 of this act, and (d) for associated administrative expenses of the Department of Health. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. ~~the administration of such funds, distribute such funds~~

(3) Funds appropriated to fund sections 81-637 to 81-640 shall be used ~~exclusively~~ for ~~grants and~~ administrative expenses and contracts for research of cancer and smoking diseases provided by subsection (4) of this section. ~~The University of Nebraska may receive such grants and contracts and other postsecondary institutions havings colleges of medicine located in the State of Nebraska may receive such contracts.~~

(4) Contracts shall be awarded only for research projects which can reasonably be anticipated to provide a direct benefit to the people of the State of Nebraska.

The consideration for such contract shall be specified in the contract. Contracts shall be awarded only to researchers having access to research facilities located within the State of Nebraska.

Research facilities shall have a program pertaining to the study of carcinogenesis in human, animal, or human and animal studies, an oncology clinic, a radiation therapy program, and a pathology laboratory.

Sec. 11. That section 81-639, Revised Statutes Supplemental, 1981, be amended to read as follows:

81-639. The director when making ~~grants and~~ contracts pursuant to sections 81-637 to 81-640 shall consider:

(1) The relevancy of the applicant's proposal to the furthering of research of cancer and smoking diseases;

(2) The feasibility of the applicant's proposal;

(3) The availability of other sources of funding for the applicant's proposal;

(4) The facilities, personnel, and expertise available to the applicant for use in the proposal; and

(5) Evidence of the quality of the applicant's prior or existing programs for research of cancer and smoking diseases or the applicant's potential for developing new programs for such research.

Sec. 12. That section 81-640, Revised Statutes Supplement, 1981, be amended to read as follows:

81-640. The director shall adopt and promulgate rules and regulations pursuant to Chapter 84, article 9 to:

(1) Establish an application process for ~~grants and~~ contracts;

(2) Establish criteria for programs in order to receive funding;

(3) Establish criteria as to the rates and amount of funding; and

(4) Establish other procedures as he or she may deem necessary for the proper administration of sections 81-637 to 81-640.

Sec. 13. That original sections 81-638, 81-639, and 81-640, Revised Statutes Supplement, 1981, are repealed.''.

2. On page 2, in lines 6, 19, and 22; page 3, line 18; page 4, line 1; page 5, in lines 17 and 22; and page 6, in lines 2, 4, 10, and 17, before ''this'' insert ''sections 1 to 9 of''.

3. On page 4, line 22, strike ''any'' and ''record'', and after ''medical'' insert ''records which document the diagnosis and treatment of cancer''.

4. On page 6, line 5, strike ''This'' and insert

"Sections 1 to 9 of this".

5. In the title in line 2 strike "medical records" and insert "public helath and welfare"; in line 5 strike "and"; and in line 7 after "registry" insert "; to amend sections 81-638, 81-639, and 81-640, Revised Statutes Supplement, 1981; to change provisions relating to research of cancer and smoking diseases; and to repeal the original sections".

Messrs. Cullan and V. Johnson asked unanimous consent to print the following amendment to LB 212A in the Journal. No objections. So ordered.

Req. 1829

(Final Reading Copy)

1. on page 2, line 1, strike "hereby appropriated (1)" and insert "included in the reappropriation to the Department of Health, Program No. 622 - Smoking Disease and Cancer Research, provided in Legislative Bill 671, Eighty-seventh Legislature, Second Session, 1982,"; strike beginning with "and" in line 3 through "177," in line 6; in line 11, strike "neither" and insert "not"; and strike beginning with the fourth comma in line 12 through "1984" in line 13.

2. Insert the following new section:

"Sec. 2. There is hereby appropriated seventy-two thousand dollars from the Cancer Research and Registry Fund for the period July 1, 1983, to June 30, 1984, to the Department of Health, for Program No. 622, to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed forty thousand dollars for the period July 1, 1983, to June 30, 1984.".

SELECT FILE

LEGISLATIVE BILL 520. Mr. H. Peterson renewed his pending motion found in the Journal on page 1796 to indefinitely postpone.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. H. Peterson moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. H. Peterson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 22:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Fenger
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner

Voting in the negative, 24:

Beutler
Burrows
Chambers
Duda
Dworak
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Present and not voting, 2:

DeCamp
Haberman

Excused and not voting, 1:

Marvel

The H. Peterson motion to indefinitely postpone lost with 22 ayes, 24 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. V. Johnson offered the following amendment:
Req. #1831

(Amendments to Req. 2635)

1. On page 3, lines 1 and 2, strike the comma; in line 2, after "children" insert ", including his or her own children who are age eight or under or children under his or her legal guardianship who are age eight or under,"; in line 11, strike "no" and insert "a twenty-five dollar"; and in line 12, after "license" insert "for providers with a daily average of less than thirty children and a fifty dollar fee charged for the issuance or renewal of each license for providers with a daily average of thirty or more children" and after the period insert "The license fee of a provider shall be paid to the department which shall retain the fee, except that when a city of the metropolitan or primary class has

adopted any rule, regulation, or ordinance which establishes standards for licensed providers pursuant to subsection (2) of section 7 of this act and conducts all necessary inspections of any licensed provider pursuant to such subsection, the department shall transmit the license fee paid by such provider to the city of the metropolitan or primary class conducting the inspections.”.

2. On page 4, line 22, after the second period insert “(1)”.

3. On page 5, strike lines 5 through 8 and insert the following new subsections:

“(2) A city of the metropolitan or primary class may adopt rules, regulations, or ordinances establishing health and safety standards for providers of programs whether or not such providers are subject to licensure under section 4 of this act. If a city of the metropolitan or primary class adopts any rule, regulation, or ordinance establishing health and safety standards for licensed providers of programs, (a) such rules, regulations, or ordinances shall be identical to the department’s rules and regulations for licensed providers pursuant to sections 1 to 11 of this act and (b) the city of the metropolitan or primary class and department shall coordinate the inspection and supervision of licensed providers to avoid duplication of inspections. A city of the metropolitan or primary class shall report any violation of its rules, regulations, or ordinances regulating licensed providers to the director who may cause a written charge to be brought pursuant to section 8 of this act. The city of the metropolitan or primary class shall administer and enforce its rules, regulations, and ordinances establishing health and safety standards for providers of programs, except that the exclusive remedy for the violation of such rules, regulations, and ordinances regulating providers subject to licensure pursuant to section 4 of this act shall be by the director pursuant to section 8 of this act.”.

4. On page 7, line 17, after the period insert “Such rules and regulations shall apply to the various types of early childhood programs described in section 3 of this act.”.

5. On page 15, line 22, strike “thirty” and insert “ninety”.

6. Insert the following new section:

“Sec. 14. That section 71-1902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1902. No person shall furnish, or offer to furnish, child care for two or more children from different families without having in full force and effect a written license issued by the department, upon such terms and conditions as may be prescribed by general rules and regulations promulgated by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance, and shall be subject to renewal under the same terms and conditions as the original license. For the issuance or renewal of each license the department shall charge a fee of ~~one dollar~~ five dollars for foster family homes, twenty-five dollars for group homes, and twenty-five dollars for child-placing agencies and child-caring agencies. A license may be revoked for cause, after notice and hearing, in accordance with such rules and regulations as may be prescribed by the department.

For purposes of this section:

(1) Foster family home shall mean any home which provide twenty-four hour care to children, under sixteen years of age, who are not related to the foster parent not including the foster family's own children or relatives' children regularly in the home who are under thirteen years of age;

(2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four hour care for individuals in a residential setting;

(3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes."

7. On page 19, line 18, strike "and" and insert a comma; and in line 19 after "71-1901," insert "and 71-1902,".

8. On page 20, in line 5, after the semicolon insert "to change fees as prescribed;"; in line 7, strike "and" and insert a comma; and in line 8, after "71-1901," insert "and 71-1902,".

9. Renumber remaining sections accordingly.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler
Chambers
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Carsten
Clark
Cope
Cullan
Dworak
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 7:

Burrows
Chronister
DeCamp
Fenger
Goll
Haberman
Peterson, R.

Excused and not voting, 1:

Marvel

The V. Johnson amendment lost with 21 ayes, 20 nays, 7 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:
Req. #1834

(Amendments to Req. 2635)

1. Insert a new section as follows:

"Sec. 14. That section 71-1902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1902. No person shall furnish, or offer to furnish, child care for two or more children from different families without having in full force and effect a written license issued by the department, upon such terms and conditions as may be prescribed by general rules and regulations promulgated by the department. All licenses issued under sections 71-1901 to 71-1905 shall expire one year from the date of issuance, and shall be subject to renewal under the same terms and conditions as the original license. For the issuance or renewal of each license the department shall charge a fee of ~~one dollar~~ five dollars for day care homes or foster family homes, twenty-five dollars for group homes or child care centers with less than fifty children, fifty dollars for child care centers with fifty or more children, twenty-five dollars for child-caring agencies, and twenty-five dollars for child-placing agencies. A license may be revoked for cause, after notice and hearing, in accordance with such rules and regulations as may be prescribed by the department.

For purposes of this section:

(1) Day care home shall mean any private home providing care for compensation for children from more than one family for not to exceed twelve consecutive hours per day for any one child;

(2) Foster family home shall mean any home which provide twenty-four hour care to children, under sixteen years of age, who are not related to the foster parent not including the foster family's own children or relatives' children regularly in the home who are under thirteen years of age;

(3) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four hour care for individuals in a residential setting;

(4) Child care center shall mean a facility that provides child care for more than seven children over six weeks of age and under thirteen years of age;

(5) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and

(6) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.".

2. On page 19, line 18 strike "and" and insert a comma; and in line 19 after the first comma insert "and 71-1902,".

3. On page 20, line 7, after the semicolon insert "to change fees as prescribed;" and strike "and" and insert a comma; and in line 8 after the first comma insert "and 71-1902,".

4. Strike V. Johnson/Beutler amendment 7 on page 1051 of the Journal.

5. Renumber sections 22, 23, 24, and 25 as sections 12, 13, 15, and 16, respectively.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler
Burrows
Chambers
Cullan
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Dworak
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Stoney
Von Minden
Wagner

Present and not voting, 1:

Fenger

Excused and not voting, 1:

Marvel

Advanced to E & R for Engrossment with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1982, at 11:25 a.m. were the following bills: 761, 754, 807, 970, 970A, and 531.

(Signed) Hazel Kaltenberger, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 480, 591, 629, and 629A.

(Signed) Karen Kilgarin, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 380.

Introduced by Pirsch, 10th District; Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Burrows, 30th District; Chronister, 18th District; Clark, 47th District; Cope, 36th District; Cullan, 49th District; Dworak, 22nd District; Fenger, 45th District; Goll, 16th District; Goodrich, 20th District; Hefner, 19th District; Hoagland, 6th District; L. Johnson, 15th District; Kahle, 37th District; Koch, 12th District; Labedz, 5th District; Marsh, 29th District; Newell, 13th District; Nichol, 48th District; H. Peterson, 35th District; R. Peterson, 21st District; Remmers, 1st District; Rumery, 42nd District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wiitala, 31st District.

WHEREAS, a well-rounded education in the early years of life is recognized as one of the foundations for a productive and fulfilling future; and

WHEREAS, teachers in Nebraska are an important influence, essential to the development of our most precious resource, our children; and

WHEREAS, the dedicated teachers of Nebraska are doing, and have done, an excellent job of preparing young people for responsible citizenship; and

WHEREAS, Nebraska teachers, through an ability to understand their students, and the use of excellent learning experiences, help students to achieve the most from their education; and

WHEREAS, the appreciation and admiration of which Nebraska teachers are deserving is seldom expressed; and

WHEREAS, November 19, 1982 is to be proclaimed by the Governor of the State of Nebraska as "Tribute to Teachers Day" in Nebraska.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes the dedication and the many contributions of the teachers of Nebraska.
2. That elected officials of Nebraska join us in recognizing the importance of good Nebraska teachers.
3. That parents be encouraged to express their satisfaction with the teachers of Nebraska by telling them of a job “well-done”.
4. That the members of the Legislature encourage public support for the recognition of November 19, 1982 as “Tribute to Teachers Day”.

Laid over.

VISITORS

Visitors to the Chamber were a group from the Nebraska Doctors of Chiropractic.

RECESS

At 12:12 p.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Lamb presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Chronister and Fowler who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 759. Messrs. V. Johnson, Hoagland, and Vickers offered the following amendment:

Req. #2916

1. Insert the following new section:

“Sec. 2. That Laws 1981, LB 35, section 3, be amended to read as follows:

Sec. 3. Section 1 of this act shall become operative on ~~July 1~~ April 15, 1982. The other sections shall become operative on their effective date.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 11, strike "is" and insert "and Laws 1981, LB 35, section 3, are".

3. Renumber original section 2 as section 3.

4. In the title, line 3, after "1981," insert "and Laws 1981, LB 35, section 3"; in line 5 strike "and" and insert "to change an operative date;" and strike "section" and insert "sections; and to declare an emergency".

MR. NICHOL PRESIDING

Mr. Warner requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. V. Johnson moved to suspend the rules, Rule 7 Section 3(d) & Rule 1 §12 to permit consideration of the V. Johnson amendment to LB 759.

Mr. V. Johnson moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. V. Johnson requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 23:

DeCamp
Duda
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Newell
Peterson, H.
Pirsch
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wiitala

Voting in the negative, 17:

Apking
Beutler
Beyer
Burrows
Carsten
Clark
Cope
Cullan
Goll
Koch
Lamb
Marsh
Peterson, R.
Rumery
Wagner
Warner
Wesely

Present and not voting, 5:

Barrett
Dworak
Fenger
Hefner
Nichol

Excused and not voting, 3:

Chronister Fowler Marvel

Absent and not voting, 1:

Chambers

The V. Johnson motion lost with 23 ayes, 17 nays, 5 present and not voting, 3 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment to LB 759:
1 1. On page 2, line 13, after "color" insert "and
2 design selected by a committee consisting of the Director
3 of Motor Vehicles, the Attorney General, or his or her
4 designee, the Superintendent of Law Enforcement and Public
5 Safety, the Director of Correctional Services, or his or
6 her designee, and the materiel administrator of the Depart-
7 ment of Administrative Services. The Director of Motor
8 Vehicles shall serve as presiding officer of such committee.";
9 in line 13 strike "designated by the director." and show as
10 stricken; in lines 24 and 25 strike "Director of Motor
11 Vehicles", show as stricken, and insert "committee established
12 by this section"; and in line 26 strike the second "and" and
13 insert "~~and~~ or".

Mr. Beutler offered the following amendment to the Warner amendment:
By deleting on lines 12 and 13 everything after the semicolon on line 12.

The Beutler amendment was adopted with 26 ayes, 11 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 19 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Apking
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Marsh
Newell
Pirsch
Schmit
Sieck
Warner
Wesely
Wiitala

Voting in the negative, 23:

Barrett
Beutler
Beyer
Carsten
Chronister
Clark
Dworak
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Vickers
Von Minden
Wagner

Present and not voting, 4:

Burrows
Chambers
Goll
Rumery

Excused and not voting, 1:

Marvel

The Warner amendment lost with 21 ayes, 23 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the Call raised.

Mr. Vickers offered the following amendment:

1. On page 3, line 2, strike the new matter and reinstate the stricken matter; and in line 9 after the period insert "In years in which new plates are issued, each county treasurer shall collect at the time of registration, pursuant to Chapter 60, article 3, a license plate issuance fee of one dollar per plate."; and after line 9 insert a new subsection as follows:

"(3) All fees collected under subsection (2) of this section shall be forwarded to the State Treasurer for deposit in the Motor Vehicle License Plate Issuance Cash Fund, which is hereby created. The fund shall be used to finance, in whole or in part, the issuance of new license plates pursuant to section 83-123. Any money in the Motor Vehicle License Plate Issuance Cash Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12.".

The amendment lost with 12 ayes, 19 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Koch moved to suspend the rules, Rule 7, Section 3(d) & Rule 1, Section 12 to permit consideration of the following Koch amendment to LB 759 without further debate on the germaneness issue:

Req. #2919

1. Insert the following new section:

"Sec. 2. That Laws 1981, LB 35, section 3, be amended to read as follows:

Sec. 3. Section 1 of this act shall become operative on July 1, ~~1982~~ 1983. The other sections shall become operative on their effective date.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. On page 3, line 11, strike "is" and insert "and Laws 1981, LB 35, section 3, are".

3. Renumber original section 2 as section 3.

4. In the title, line 3, after "1981," insert "and Laws 1981, LB 35, section 3"; in line 5 strike "and" and insert "to change an operative date;" and strike "section" and insert "sections; and to declare an emergency".

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. L. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Koch motion to suspend the rules lost with 14 ayes, 22 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 568 in the Journal. No objections. So ordered.

(Final Reading Copy)

1. On page 13, lines 13 through 24, strike the new matter and reinstate the stricken matter.

2. On page 14, lines 19 through 22, strike the new matter.

3. On page 20, lines 15 through 18, strike the new matter.

SELECT FILE

LEGISLATIVE BILL 726. E & R amendments, Req. #2858, found in the Journal on page 1364 for the Forty-Eighth Day were considered.

Miss Kilgarin renewed the pending amendment to the E & R amendments found in the Journal on page 1798.

The Kilgarin amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Messrs. Beutler and Vickers offered the following amendment:

1. Strike original section 4 and all amendments thereto.
2. On page 2, line 20 and on page 6, line 15 strike "and" and insert "or".
3. In the E & R amendment on page 4, line 15, strike the last comma and insert "and"; in line 16 strike ", and 46-666"; and in line 18 strike ", 2, and 19" and insert "and 2".
4. Renumber remaining sections accordingly.

PRESIDENT LUEDTKE PRESIDING

The Beutler-Vickers amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. H. Peterson moved to indefinitely postpone LB 726.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 14 nays, and 23 not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

The motion to cease debate prevailed with 25 ayes, 18 nays, and 6 not voting.

Mr. H. Peterson requested a roll call vote on his motion to indefinitely postpone LB 726.

Voting in the affirmative, 20:

Apking
Beyer
Burrows
Chronister
Cope
DeCamp
Fenger
Goll
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Schmit
Wagner

Voting in the negative, 25:

Beutler
Carsten
Chambers
Cullan
Duda
Dworak
Fowler
Goodrich
Haberman
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 1:

Von Minden

Excused and not voting, 3:

Barrett
Clark
Marvel

The H. Peterson motion lost with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Messrs. Wesely, Nichol, and R. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Burrows asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Vickers moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Vickers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler
Carsten
Chambers
Cullan
Duda
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 18:

Beyer
Chronister
Cope
DeCamp
Fenger
Goll
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Nichol
Peterson, H.
Schmit
Wagner

Present and not voting, 5:

Apking
Barrett
Haberman
Peterson, R.
Von Minden

Excused and not voting, 4:

Burrows
Clark
Marvel
Wesely

Failed to advance to E & R for Engrossment with 22 ayes, 18 nays, 5 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 8, 1982, at 4:30 p.m., was the following bill: 942.

(Signed) Hazel Kaltenberger, Enrolling Clerk

MOTION - Adjourn

Mr. Lamb moved to adjourn. The motion lost with 20 ayes, 23 nays, and 6 not voting.

SELECT FILE

LEGISLATIVE BILL 816. E & R amendments found in the Journal on page 1366 for the Forty-Eighth Day were adopted.

Mr. Haberman moved to adjourn. The motion lost with 17 ayes, 22 nays, and 10 not voting.

Mr. DeCamp reoffered his pending amendment found in the Journal on page 1265.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved to amend the Speaker's agenda for Tuesday to provide that 816 be the first item on the agenda after Final Reading and Final Reading shall be the first item on the agenda.

Mr. Fenger requested a record vote on the Newell motion to suspend the rules.

Voting in the affirmative, 30:

Apking
Barrett
Beyer
Carsten
Chronister
Cope
DeCamp
Duda
Dworak
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Labedz
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Wagner
Wesely

Voting in the negative, 11:

Beutler
Chambers
Cullan
Fenger
Kilgarin
Koch
Landis
Marsh
Stoney
Vickers
Wiitala

Present and not voting, 4:

Fowler
Lamb
Von Minden
Warner

Excused and not voting, 4:

Burrows
Clark
Marvel
Nichol

The Newell motion prevailed with 30 ayes, 11 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Lamb moved to adjourn. The motion prevailed with 22 ayes, 15 nays, 8 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Fowler asked unanimous consent to print the following amendment to LB 488 in the Journal. No objections. So ordered.

Req. #1842

(Final Reading Copy)

1. Insert the following new section:

"Sec. 5. That section 85-104, Revised Statutes Supplement, 1981, be amended to read as follows:

85-104. All meetings of the Board of Regents shall be open to the public. The board may hold closed sessions in accordance with sections 79-327, 84-1408 to 84-1414, and 85-104. Public record shall be made and kept of all meetings and proceedings of the board. The regents shall meet at least twice each year at the administration building. They shall receive for their services no compensation, but they may be reimbursed their actual expenses incurred in the performance of their official duties as provided in sections 84-306.01 to 84-306.05 for state employees. The Legislature finds and declares that salaries paid to the student body presidents of the University of Nebraska-Lincoln, University of Nebraska at Omaha, and University of Nebraska Medical Center from funds generated by student fees for services rendered as the student body president of such institutions are not compensation for services as members of the Board of Regents within the meaning of the prohibition set forth in this section and Article VII, section 10 of the Constitution of Nebraska.".

2. On page 4, line 21, strike "and"; and in line 23, after "1980," insert "and section 85-104, Revised Statutes Supplement, 1981,".

3. In the title, line 4, strike "and"; in line 6 after "1980" insert ", and section 85-104, Revised Statutes Supplement, 1981"; and in line 7 after the semicolon insert "to state a legislative finding;".

Mr. Beyer asked unanimous consent to print the following amendment to LB 408 in the Journal. No objections. So ordered.

Req. #1837

1. In Standing Committee Amendments, page 3, strike the new matter and all amendments thereto.

2. Insert a new section to read as follows:

"Sec. 3. (1) The Department of Roads, upon request with the assurance that the department will be fully reimbursed for all direct costs incurred by it in response thereto, shall collect all materials, facts, studies, and test materials that are available from public and private sources pertaining to trucks or combinations thereof that exceed the maximum specified by law. These materials shall then be examined, compared, reviewed, studied, and analyzed by the department to determine the effects that such operations would have if permitted to be utilized in Nebraska. Such findings shall specifically be addressed toward public benefits, highway safety, wear and tear on highways utilized, and public acceptability.

(2) All materials, findings, and conclusions of the department shall be presented to the Nebraska Transportation Advisory Committee pursuant to section 50-421, which committee shall analyze the findings of the department and make whatever recommendations it deems appropriate to the next session of the Legislature.

(3) The department shall determine the direct

costs incurred by it pursuant to subsection (1) of this section and assess the amount thereof against the party or parties responsible therefor. The department shall be reimbursed for such costs within one month of having given notice of the amount thereof.''.

3. Renumber section 3 as section 4.

VISITORS

Visitors to the Chamber were Mr. and Mrs. Lannie Weak and daughter Sheri; Duane and Wanda Skaff from Omaha; and 50 students and teachers from Fairbury.

ADJOURNMENT

At 5:31 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 8:00 a.m., Tuesday, April 13, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 13, 1982

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 13, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 13, 1982

Pursuant to adjournment, the Legislature met at 8:09 a.m., President Luedtke presiding.

PRAYER

The prayer was offered by Senator Kremer.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Burrows, Chambers, V. Johnson, Koch, Newell, Stoney, Warner, Mrs. Higgins, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1816, line 24, strike "IV" and insert "VI".
Page 1838, after line 5, insert "E & R amendments, as amended, were adopted".
The Journal for the Fifty-Seventh Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 520, 602, 602A, 759, 799, 799A, and 868.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 520

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 520:

1. In Req. 2635, page 1, line 14, "are" has been stricken and "is" inserted.

Enrollment and Review Changes to LB 602

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 602:

1. On page 1, line 15, of the V. Johnson amendment, Req. 1810, strike the first period.
2. In the title, line 5, "Public" has been inserted after "of" and "certain" has been inserted after "provide"; line 7 has been stricken and "provide duties" has been inserted; and in line 8 "services" has been stricken.
3. In Request 1810, an underscored comma has been inserted after "maintain" on page 3, line 4.

Enrollment and Review Changes to LB 602A

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 602A:

In Req. 1807, page 1, line 9, an underscored comma has been inserted.

Enrollment and Review Changes to LB 799

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 799:

1. Section numbers and internal references have been changed to correspond to all amendments.
2. In the Wesely, et al, amendments, page 3, line 11, "1980" has been stricken and "1981" inserted; on page 6, line 27, insert an underscored comma after "act"; on page 7, line 5, an underscored comma has been inserted after "act"; on page 12, line 6, an underscored comma has been inserted after "allowed"; and in line 7 an underscored comma has been inserted after "liability"; on page 13, line 16, an underscored comma has been inserted after "allowed"; and in line 17, an underscored comma has been inserted after "liability"; on page 14, an underscored comma has been inserted after "act" in line 26, and "business" in line 27; on page 15, line 5, an underscored comma has been inserted after "allowed"; in line 6, an underscored comma has been inserted after "liability"; in line 19, an underscored comma has been inserted after "unit" and in line 25, "Such" has been stricken and "which" inserted; on page 16, lines 22, 24, and 27, "house" has been stricken and "unit" inserted; on page 17, insert an underscored comma after "act" in lines 11 and 18 and

"Revenue" in line 27; on page 19, line 18, insert an underscored comma after "application"; and on page 20, strike beginning with "line" in line 8 through "and" in line 9; and on page 10, line 18, "and" has been stricken and "or" inserted.

3. On page 10, line 18, "and" has been stricken and "or" inserted.

4. On page 14, line 19, "submittal" has been stricken and "~~submittal~~ submission" inserted.

5. On page 18, line 18, "18-1634" has been stricken and "81-1634" inserted; and at the end of line 25 "77-2715," has been inserted.

6. In the Newell amendments, line 13, "sections" has been inserted before "66-1012".

7. In the title, line 6, "57-705, 77-2715," has been inserted before "81-1618"; at the end of line 8 "define and" has been inserted; in line 12 "to define terms;" has been stricken; and in line 17, "to extend the time for certain allocations; to provide for income tax credits as prescribed; to provide for termination;" has been inserted after the semicolon.

Enrollment and Review Changes to LB 799A

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 799A:

In the title, line 5, "; and to declare an emergency" has been inserted after "1982".

Enrollment and Review Changes to LB 868

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 868:

1. In Req. 2806, on page 12, line 22, "43" has been changed to "42".

2. In Req. 2713, on page 12, line 21, the period has been stricken, "2" has been changed to "1", and "1" has been change to "17"; in line 22, the second "2" has been change to "1".

(Signed) Emory P. Burnett
E & R Attorney

MESSAGES FROM THE GOVERNOR

April 9, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol

Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 605, 755, and 756 were received in my office on April 7, 1982.

These bills were signed by me on April 8, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 12, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 970 and 970A and Reengrossed Legislative Bill 807 were received in my office on April 8, 1982.

These bills were signed by me on April 12, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LR 275. No objections. So ordered.

MOTION - Return LB 378 to Select File

Mr. Wesely moved to return LB 378 to Select File for his specific amendment found in the Journal on page 1577.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Wesely motion to return lost with 12 ayes, 27 nays, 5 present and not voting, and 5 excused and not voting.

Mrs. Higgins moved to return LB 378 to Select File for the specific amendment, Req. #1805, printed separate from the Journal and referred to on page 1659.

Mr. Cullan requested a ruling from the Chair on whether the Higgins et al amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Mrs. Higgins requested a roll call vote on her motion to return to Select File.

Voting in the affirmative, 23:

Beyer
Burrows
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Kremer
Labedz
Marsh
Newell
Rumery
Schmit
Stoney
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Carsten
Cope
Cullan
Fenger
Goll
Hefner
Johnson, L.
Kahle
Koch
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Vickers
Von Minden

Present and not voting, 4:

Beutler
Chronister
Clark
Sieck

Excused and not voting, 2:

Chambers
Marvel

The Higgins motion to return lost with 23 ayes, 20 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Cullan moved to suspend the rules, Rule 6, Section 8 and Rule 7, Section 3 and vote on final reading of LB 378 without further amendments or further debate.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

The Cullan motion lost with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Schmit moved to return LB 378 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Req. #2829.)

Mr. Cullan requested a ruling of the Chair on whether the Schmit amendment is germane to the bill.

The Chair ruled the amendment is germane to the bill.

Mr. Cullan requested a division of the question on the Schmit amendment.

The Chair overruled the division of the question.

Mr. Schmit asked unanimous consent to withdraw his pending motion to return LB 378. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 378.

A BILL FOR AN ACT to amend sections 71-5801 to 71-5803, 71-5805, 71-5810, 71-5811, 71-5813, 71-5820 to 71-5823, 71-5828 to 71-5838, 71-5840 to 71-5844, 71-5846 to 71-5855, 71-5857 to 71-5859, 71-5865 to 71-5868, and 71-5870, Revised Statutes Supplement, 1980, and sections 71-5845 and 71-5864, Revised Statutes Supplement, 1981, relating to public health and welfare; to change provisions of the Nebraska Health Care Certificate of Need Act as prescribed; to provide a fee; to change certificate requirements; to change procedures for application and review; to define and redefine terms; to provide procedures for determining applicability of such act; to exempt certain organizations and facilities; to provide notification procedures; to provide for approval of certain applications; to change the name and function of a committee; to change provisions relating to appeal; and to repeal the original sections, and also sections 71-5814, 71-5827, 71-5839, and 71-5856, Revised Statutes Supplement, 1980.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Koch
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 18:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Schmit
Stoney
Warner
Wesely
Wiitala

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 378A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 378, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner

Johnson, L.
Kahle
Koch
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 17:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Labedz
Landis
Marsh
Newell
Schmit
Stoney
Wesely
Wiitala

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 693. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1980, relating to revenue and taxation; to provide duties for the State Board of Equalization and Assessment; to change provisions relating to meetings of such baord; to delete obsolete matter; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Apking
Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 3:

Beutler
Newell
Schmit

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 760. With Emergency.

A BILL FOR AN ACT to amend section 77-2734, Reissue Revised Statutes of Nebraska, 1943, relating to the corporate income and franchise taxes; to change rates as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 10:

Beutler
Chambers
Cullan
Dworak
Koch
Labedz
Schmit
Sieck
Vickers
Wesely

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 966. With Emergency.

A BILL FOR AN ACT relating to fees; to provide for fees; to create funds; to change provisions relating to fees; to harmonize provisions; to provide and change duties; to limit the release of certain information; to rename and change the composition of a board; to amend sections 42-123, 60-412, 71-1116, 71-1903, 71-2619, 71-4624, 81-528, 81-8,260.01, and 81-1403, Reissue Revised Statutes of Nebraska, 1943, sections 23-1218, 53-131, 71-604.01, 71-2618, 71-4305, 71-5834, 71-5836, 71-5837, 71-5842, 81-2,162.23, 81-550, 84-1206, 84-1225, and 89-187, Revised Statutes Supplement, 1980, and sections 2-3930, 71-2018, 81-502, 81-1423, and 81-1429, Revised Statutes Supplement, 1981; to provide operative dates; to repeal the original sections, and also sections 71-507 to 71-514, Reissue Revised Statutes of Nebraska, 1943, and section 71-515, Revised Statutes Supplement, 1980; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Beutler
Carsten
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Warner
Wesely

Voting in the negative, 18:

Apking
Barrett
Beyer
Burrows
Chambers
Chronister
Goodrich
Hefner
Higgins
Johnson, L.
Koch
Kremer
Labedz
Peterson, R.
Schmit
Von Minden
Wagner
Wiitala

Excused and not voting, 1:

Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Beutler
Carsten
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goll
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Warner
Wesely

Voting in the negative, 17:

Apking
Barrett
Beyer
Burrows
Chambers
Chronister
Goodrich
Hefner
Higgins
Koch
Kremer
Labedz
Peterson, R.
Schmit
Von Minden
Wagner
Wiitala

Present and not voting, 2:

Fenger
Johnson, L.

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 967. With Emergency.

A BILL FOR AN ACT to make appropriations for the payment of miscellaneous claims against the state; to provide how payments shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden

Wagner Warner Wesely Wiitala

Voting in the negative, 0.

Present and not voting, 4:

Chambers Fowler Higgins Labedz

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the President was in session and capable of transacting business, the President signed the following bills: 378, 378A, 693, 760, and 967.

MR. CLARK PRESIDING

SELECT FILE

LEGISLATIVE BILL 816. Mr. DeCamp offered the following amendment:

Req. #1828

1. Strike the original sections and all amendments and insert the following new sections:

"Section 1. It is the intent of the Legislature that payments to political subdivisions be made pursuant to sections 77-3611 to 77-3615 unless the Nebraska Supreme Court rules that such sections are unconstitutional in whole or in part. If the Nebraska Supreme Court by January 1, 1983, has not issued a mandate relative to the constitutionality of sections 77-3611 to 77-3615 or has declared such sections to be unconstitutional, payments shall be made pursuant to sections 2 to 6 of this act. If payments are made under sections 77-3611 to 77-3615 pursuant to this section payments shall also be made under sections 7 to 9 of this act.

Sec. 2. For fiscal year 1982-83 and each fiscal year thereafter, the Legislature shall appropriate an additional forty-five million dollars to the School Foundation and Equalization Fund. Such amount shall be in addition to any other amounts appropriated to the

School Foundation and Equalization Fund. Subject to section 1 of this act, such amount shall be distributed pursuant to sections 79-1333 and 79-1334, except that for fiscal year 1982-83 the payments shall be made in six as nearly as possible equal monthly payments with the first payment being made in January, 1983.

Sec. 3. For fiscal year 1982-83 and each fiscal year thereafter, the Legislature shall appropriate an additional two million dollars for aid to technical community colleges. Such amount shall be in addition to any other amounts appropriated for aid to technical community colleges. Subject to section 1 of this act, such amount shall be distributed pursuant to sections 79-2651 and 79-2653, except that for fiscal year 1982-83 the payments shall be made in six as nearly as possible equal monthly payments with the first payment being made in January, 1983.

Sec. 4. That section 77-27,136, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,136. Beginning ~~January 1, 1972, and on January 1, each~~ in fiscal year 1982-83 and each fiscal year thereafter, the Legislature shall appropriate ~~twelve million six~~ seventeen million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to ~~governmental subdivisions~~ incorporated municipalities and seventeen million seven hundred thousand dollars for aid to counties.

Sec. 5. That section 77-27,137, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,137. ~~Of the money so appropriated, four million six hundred thousand dollars~~ The appropriation provided for in section 77-27,136 for aid to counties shall be distributed to the various county treasurers of the state ~~as follows:~~ on the basis of the ratio of the total amount of property taxes levied by the particular county for county purposes to the total amount of property taxes levied by all counties for county purposes based on the amounts stated in the most recent certificate of taxes levied statement submitted by each county to the State Board of Equalization and Assessment pursuant to section 77-628.

~~(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal census; and~~

~~(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the particular county to the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and~~

~~as equalized by the State Board of Equalization and Assessment.~~

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. ~~Each~~ Subject to section 1 of this act, each amount shall be distributed for fiscal year 1982-83 in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January, 1983, and for all fiscal years thereafter in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, ~~1976~~ 1983, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated.

The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 6. That section 77-27,137.01, Revised Statutes Supplement, 1980, be amended to read as follows:

77-27,137.01. The ~~balance of the governmental subdivision~~ appropriation ~~after making the transfer~~ provided for in section ~~77-27,137~~ 77-27,136 for aid to incorporated municipalities shall be allocated by the Tax Commissioner to the various ~~counties, for distribution to the~~ incorporated muncipalities. ~~therein.~~ The Tax Commissioner shall determine the amount to be distributed to the incorporated municipalities and certify such amounts by voucher to the Director of Administrative Services. Subject to section 1 of this act, each amount shall be distributed in six as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning January, 1983, and for all fiscal years thereafter in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1983, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and voucher, draw warrants against funds appropriated. The Tax Commissioner shall compute the amount~~, so allocated to each county,~~ due the incorporated municipalities ~~within the county~~ on the ratio of the population of the particular incorporated municipality to the total population of all incorporated muncipalities in the ~~county~~ state as determined by the latest federal census, which amounts shall be placed in the general fund of such municipalities. ~~Such payments and distributions shall be made in the manner provided in section 77-27,137.~~

Sec. 7. Beginning January 1, 1982, and on January 1, each year thereafter, the Legislature shall appropriate twelve million six hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to governmental subdivisions.

Sec. 8. Subject to section 1 of this act, of the money appropriated under section 7 of this act, four million six hundred thousand dollars shall be distributed to the various county treasurers of the state as follows:

(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal census; and

(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the particular county to the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment.

The Tax Commissioner shall determine the amount to be distributed to the various counties and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed for fiscal year 1982-83 in six as nearly as possible equal monthly payments with the first payment being made in January 1983, and for all fiscal years thereafter in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1983, and each July thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated.

The proceeds of the governmental subdivision payments received by the various county treasurers shall be credited to the general fund of the county.

Sec. 9. Subject to section 1 of this act, the balance of the governmental subdivision appropriation after making the transfer provided for in section 8 of this act shall be allocated by the Tax Commissioner to the various counties, for distribution to the incorporated municipalities therein. The Tax Commissioner shall compute the amount, so allocated to each county, due the incorporated municipalities within the county on the ratio of the population of the particular incorporated municipality to the total population of all incorporated municipalities in the county as determined by the latest federal census, which amounts shall be placed in the general fund of such municipalities. Such payments and distributions shall be made in the manner provided in section 8 of this act.

Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 11. That original sections 77-27,136, 77-27,137, and 77-27,137.01, Revised Statutes Supplement, 1980, are repealed.''.

Mr. Burrows asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Fowler moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Apking
Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 23:

Beutler
Beyer
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Stoney
Warner
Wesely
Wiitala

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Burrows	Marvel

The DeCamp amendment lost with 23 ayes, 23 nays, 1 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1368 and 1481. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 13, 1982, at 10:50 a.m., were the following bills: 378, 378A, 693, 760, and 967.

(Signed) Jan Loder, Enrolling Clerk

ATTORNEY GENERAL'S OPINION

Opinion No. 244
April 12, 1982

Re: LB 825

Dear Senator Chambers:

This is in reply to you inquiry concerning LB 825's proposed amendment to Neb.Rev.Stat. §51-215, which would authorize libraries to recover court costs and attorney fees in actions brought to recover penalties imposed or accruing pursuant to the bylaws or regulations of the Library Board.

As you suggest, LB 825 deals with civil actions only. As such we point out that there is nothing that we are aware of which limits the conditions which may be placed upon persons utilizing the services of public libraries. In fact, Neb.Rev.Stat. §51-205 specifically provides that a "library board shall have the power to make and adopt such by-laws, rules and regulations for its own guidance and for the government of the library and reading room as it may deem expedient."

With no limitations placed upon libraries by Neb.Rev.Stat. §51-205, we see no problem with regard to the amount of any penalty which libraries may impose upon persons violating its bylaws and regulations, or that any specific notice of such penalties be given to persons subject to them. Nor do we see any need for any advanced warning, notice or demand before initiating whatever civil action may be necessary to protect or recover its property.

With regard to the disposition of attorneys fees authorized by LB 825, there does not appear to be any requirement that actions brought on behalf of a library must be brought by an attorney receiving a salary from pubic funds. By the same token there is nothing which would prevent such an attorney from initiating such actions. In any event, the disposition of attorneys fees would be in a manner agreed upon by the library, the attorney, and any public agency from whom the attorney may be otherwise receiving a salary.

In conclusion, since LB 825 deals with civil actions, intent is not an element upon which a library's right of recovery may be based.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packet
Assistant Attorney General

BLP;ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

EXPLANATION OF VOTE

Had I been present, I would have voted No on LB 967e.

(Signed) Marge Higgins

MESSAGES FROM THE GOVERNOR

April 13, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

In keeping with established policy, I have forwarded proposed Constitutional Amendment, LB 531, to the Secretary of State without action.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 13, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bill 942 was delivered to my office on April 8, 1982.

This bill was signed by me on April 12, 1982 and filed with the Secretary of State today.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

SELECT FILE

LEGISLATIVE BILL 816. Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1545. No objections. So ordered.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Carsten renewed his pending amendment, Req. #1801, found in the Journal on page 1659.

The Carsten amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Vickers renewed his pending amendment found in the Journal on page 1545.

Amendment pending.

VISITORS

Visitors to the Chamber were 81 students and teachers from Golden Hills, Papillion; 25 students and teacher from Deshler; Dianne Schnell, daughter of Senator Beyer; and Mrs. Connie Walters from the Sarpy Superstars 4 H Club of Gretna.

RECESS

At 11:58 a.m., on a motion by Mr. Vickers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Burrows, Chambers, Duda, Fowler, Nichol, Schmit, and Mrs. Labedz who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 381.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Wiitala, 31st District; Apking, 32nd District; Goll, 16th District; Labedz, 5th District; R. Peterson, 21st District; Vickers, 38th District.

WHEREAS, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1982-83 between the following parties:

1. The Nebraska Department of Education and the Nebraska Department of Education Teachers Association; and
2. The Nebraska Department of Education and the Nebraska Association of Public Employees; and
3. The State of Nebraska Game and Parks Commission and the Nebraska Association of Public Employees, Game and Parks Chapter No. 8; and
4. The Nebraska Department of Roads and the Nebraska Association of Public Employees; and
5. The Nebraska Department of Labor and Local 58, Council 32 of the American Federation of State, County and Municipal Employees, AFL-CIO; and

6. The Nebraska Department of Public Institutions and Locals No. 601, 671, 1188, 1459, 2504, Council 32 of the American Federation of State, County and Municipal Employees, AFL-CIO; and

7. The State of Nebraska Department of Public Institutions, Beatrice State Developmental Center, Lincoln Regional Center and the State Code Agencies Teacher's Association; and

8. The State of Nebraska Department of Correctional Services and the State Code Agencies Teacher's Association; and

9. The Nebraska State Department of Correctional Services and the Nebraska Association of Correctional Employees; and

WHEREAS section 48-837, Revised Statutes of Nebraska, 1943, requires Legislative approval of such contracts; and

WHEREAS such contracts represent the product of good faith bargaining between the state agencies and labor organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

SELECT FILE

LEGISLATIVE BILL 816. Mr. Vickers asked unanimous consent to withdraw his pending amendment found in the Journal on page 1545 and considered in this day's Journal. No objections. So ordered.

Mr. Haberman renewed his pending amendment, Req. #2873, found in the Journal on page 1614.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a Call of the House. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Dworak
Goll
Haberman
Hefner
Kahle
Kremer
Lamb
Peterson, R.
Remmers

Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Voting in the negative, 22:

Beutler
Beyer
Carsten
Cullan
Duda
Fenger
Fowler
Goodrich
Hoagland
Johnson, L.
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Present and not voting, 3:

Higgins
Johnson, V.
Labedz

Excused and not voting, 3:

Burrows
Chambers
Marvel

The Haberman amendment lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the Call raised.

Mr. Warner offered the following amendment to LB 816:

1. Page 2, line 3 strike "forty-five" and insert "forty-four" and after "million" insert "eight hundred thirteen thousand"; in line 10 after "million" insert "one hundred eighty-seven thousand".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Warner amendment was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Mr. Kremer asked unanimous consent to withdraw his pending amendment found in the Journal on page 1770. No objections. So ordered.

Mr. Kremer offered the following amendment:

(Amendment to Req. 2836)

1. On page 1, line 4, strike "and" and insert an underscored comma and strike "seven hundred thousand"; in line 5, after "counties" insert ", and seven hundred thousand dollars for aid to natural resources districts".

2. Insert the following new section:

"Sec. 6 The appropriation provided for in section 77-27,136 for aid to natural resources districts shall be distributed to the various natural resources districts of the state on the basis of the ratio of the total amount of property taxes levied by the particular natural resources district to the total amount of property taxes levied by all natural resources districts within the state based on amounts stated in the most recent certificate of taxes levied statement and schedules submitted by each county to the State Board of Equilization and Assessment pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various natural resources districts and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 1, 1982, and each December, thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Adminstrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the various natural resources districts shall be credited to the general fund of the district.".

3. Renumber remaining sections accordingly.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Kremer requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Beutler
Beyer
Chronister
Cope
DeCamp
Duda
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kremer
Labedz
Lamb
Landis
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely

Voting in the negative, 15:

Apking
Barrett
Carsten
Clark
Cullan
Dworak
Fowler
Haberman
Kahle
Kilgarin
Koch
Marsh
Nichol
Pirsch
Warner

Present and not voting, 2:

Fenger
Wiitala

Excused and not voting, 2:

Burrows
Marvel

Absent and not voting, 1:

Chambers

The Kremer amendment was adopted with 29 ayes, 15 nays, 2 present and not voting, 2 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

Mr. Kahle offered the following amendment:
Req. #1859

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. That section 77-202, Revised Statutes Supplement, 1980, be amended to read as follows:

77-202. (1) The following property shall be exempt from taxes:

(a) The property of the state and its governmental subdivisions;

(b) Property owned by and used exclusively for agricultural and horticultural societies;

(c) Property owned by educational, religious, charitable, or cemetery organizations and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; and

(d) Household goods and personal effects when such property is not owned or used for financial gain or profit to either the owner or user.

(2) The increased value of land by reason of shade and ornamental trees planted along the highway shall not be taken into account in the assessment of such land.

(3) The premiums received by any insurance company authorized to do business in this state on pension, profit-sharing, and other employee benefit plans

which are described in section 805 (d) (1) of the Internal Revenue Code of 1954, as amended as of January 1, 1965 shall be exempt from taxes.

(4) Life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments shall be exempt from the intangible tax.

(5) Motor vehicles registered under section 60-305.09 and paying a registration fee in lieu of taxes shall be exempt from payment of ad valorem taxes.

~~(6) Agricultural income producing machinery and equipment shall be exempt from the personal property tax except: (a) Motor vehicles, as provided in section 60-301; (b) property assessed by the State Board of Equalization and Assessment as provided in sections 77-601 to 77-675; (c) property owned by parties deemed public service companies subject to the provisions of sections 77-801 to 77-803; and (d) any building or fixture, whether permanently attached to the land or not.~~

~~(7) Business inventory shall be exempt from the personal property tax.~~

~~(8) Feed, fertilizer, and farm inventory shall be exempt from the personal property tax.~~

~~(9) Grain, seed, livestock, poultry, fish, honey bees, and fur bearing animals shall be exempt from the personal property tax.~~

Sec. 2. Effective January 1, 1983, all persons required by sections 77-1201 and 77-1229, to list personal tangible property subject to taxation shall be allowed an exemption of ninety per cent of actual value on the form prescribed in section 77-1229, on the following classes of property:

(1) Agricultural income-producing machinery and equipment, except (a) motor vehicles, as provided in section 77-1201, and section 77-1204, (b) property assessed by the State Board of Equalization and Assessment as provided in sections 77-601 to 77-675, (c) property owned by parties deemed public service companies subject to the provisions of sections 77-801 to 77-803, and (d) any building or fixture, whether permanently attached to the land or not;

(2) Business inventory as provided in section 77-1201, and sections 77-1231.01 and 77-1242;

(3) Livestock as provided in sections 77-1262 to 77-1268;

(4) Feed, fertilizer, and farm inventory subject to tax pursuant to section 77-1201;

(5) Grain and seed as provided in sections 77-1251 to 77-1261, except that the ninety per cent exemption shall be from the number of bushels reported

pursuant to section 77-1253, rather than actual value; and

(6) Poultry, fish, honey bees, and fur-bearing animals.

Sec. 3. That section 77-3613, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3613. For fiscal year 1982-83, ~~and each fiscal year thereafter~~ each county shall receive an amount from the Political Subdivsions Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of real and personal property in the county by the actual valuation of real and personal property in the state based on the values stated in the most recent certificate of taxes levied pursuant to section 77-628. For fiscal year 1983-84 and each fiscal year thereafter, each county shall receive an amount from the Political Subdivsion Property Tax Relief Fund based on the percentage figure obtained by dividing the actual valuation of personal property for which there is a partial exemption allowed by section 2 of this act in the county by the actual valuation of all personal property for which there is a partial exemption allowed by section 2 of this act in the state based upon the values stated in the most recent certificate of taxes levied pursuant to section 77-628. The Tax Commissioner shall determine the amount to be distributed to the various counties for distribution to the political subdivisions within such county and shall certify such amounts to the Director of Administrative Services. Each amount shall be distributed in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December 5, 1982, and each December 5 thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated.

Out of the amount of funds distributed to a county under this section, the county treasurer shall retain one per cent thereof and then shall distribute the remainder to each of the political subdivisions within his or her county as set forth in section 77-3614.

Sec. 4. Pursuant to section 49-302, specific provision is hereby made for the revival of sections 77-1231.01, 77-1242, 77-1251 to 77-1261, and 77-1263 to 77-1268, Reissue Revised Statutes of Nebraska, 1943, and section 77-1262, Revised Statutes Supplement, 1976.

Sec. 5. That Laws 1978, LB 518, sections 14 to 16, and original section 77-202, Revised Statutes

Supplement, 1980, and section 77-3613, Revised Statutes Supplement, 1981, are repealed.".

2. In the title, strike lines 2 through 9 and insert:

"FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1980, and section 77-3613, Revised Statutes Supplement, 1981; to reinstate the property tax on certain classes of personal property as prescribed; to provide for the distribution of state aid to political subdivisions as prescribed; and to repeal the original sections, and also Laws 1978, LB 518, sections 14 to 16.".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 13 nays, and 22 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kahle requested a record vote on his amendment.

Voting in the affirmative, 19:

Apking
Barrett
Burrows
Chronister
Clark
Cope
DeCamp
Dworak
Haberman
Hefner
Kahle
Kremer
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 22:

Beutler
Beyer
Carsten
Cullan
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Present and not voting, 7:

Chambers
Duda
Goll
Labedz
Lamb
Nichol
Vickers

Excused and not voting, 1:

Marvel

The Kahle amendment lost with 19 ayes, 22 nays, 7 present and not voting, and 1 excused and not voting.

Messrs. DeCamp, Haberman, and Schmit offered the following amendment:

"(3) A city of the metropolitan class shall decrease any city sales and use tax existing on the effective date of this act imposed pursuant to this section by one half of one per cent." This section shall become operative on July 1, 1983. All other sections of this bill shall terminate on 1 July 1983.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The DeCamp-Haberman-Schmit amendment lost with 17 ayes, 20 nays, 11 present and not voting, and 1 excused and not voting.

Messrs. Hefner, Carsten, and Newell offered the following amendment:

Req. #1821

1. In the Standing Committee amendments on page 1, line 2, after "forty-one" insert "million"; and in line 3 strike "forty-five" and insert "forty-four million four hundred thousand".

2. In the Carsten amendment on page 1234 of the Journal on page 1, line 4, strike "and" and insert an underscored comma; and in line 5 after "counties" insert ", and six hundred thousand dollars for aid to educational service units".

3. Insert the following new section:

"Sec. 6. The appropriation provided for in section 77-27,136 for aid to educational service units shall be distributed to the various educational service units in the state based on the proportion of the number of public school students enrolled within each educational service unit to the total number of public school students enrolled within all educational service units in the state as determined by the enrollment figures compiled by the State Department of Education. The State Department of Education shall determine the amount to be distributed to the various educational service units and certify such amounts by voucher to the Director of Administrative Services. Each amount shall be distributed (1) for fiscal year 1982-83 in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning December, 1982, and (2) for fiscal 1983-84 and each fiscal year thereafter in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September, 1983, and each September thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification and vouchers, draw warrants against funds appropriated. The proceeds of the payments received by the educational service units shall be placed in the general fund of the educational service unit.".

4. Renumber remaining sections accordingly.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The Hefner-Carsten-Newell amendment lost with 11 ayes, 23 nays, 14 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment:
Req. #1854

Insert the following new section:

"Sec. 6. That section 77-3612, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3612. For fiscal year 1982-83 and each fiscal year thereafter the Legislature shall appropriate ~~seventy million~~ ten thousand dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.".

2. On page 4, line 8, after "1980" insert "and section 77-3612, Revised Statutes Supplement, 1981,"; and in line 9 strike "77-3615" and insert "77-3610".

3. Renumber remaining sections accordingly.

4. In the title, line 4, after "1980" insert ", and section 77-3612, Revised Statutes Supplement, 1981"; and in line 8 strike "77-3615" and insert "77-3610".

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Apking
Barrett
Carsten
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 21:

Beutler
Beyer
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Peterson, H.
Pirsch
Stoney
Wesely
Wiitala

Present and not voting, 3:

Burrows
Chambers
Labedz

Excused and not voting, 2:

Marvel
Nichol

Absent and not voting, 1:

Kremer

The DeCamp amendment lost with 22 ayes, 21 nays, 3 present and not voting, 2 excused and not voting, and 1 absent and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall be debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Kremer
Lamb
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Marvel

Advanced to E & R for Engrossment with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

MESSAGE FROM THE GOVERNOR

April 13, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bill 127 and Engrossed Legislative Bill 127A were received in my office on April 7, 1982.

These bills were signed by me on April 13, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

STANDING COMMITTEE REPORT
Public Works

The Public Works Committee desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Roy A. Smith - State Highway Commission

VOTE: For: Senators Beutler, Clark, Hoagland, Koch, Kremer, Lamb and Wesely. Against: None. Absent: Senator DeCamp.

(Signed) Maurice A. Kremer, Chairperson

SELECT FILE

LEGISLATIVE BILL 816A. Miss Kilgarin asked unanimous consent to withdraw the E and R amendment found in the Journal on page 1367. No objections. So ordered.

Mr. Carsten renewed his pending amendment, Req. #2864, found in the Journal on page 1363.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. R. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner offered the following amendment:
1. Page 2, lines 2, 3, 12, and 16, strike "$45,000,000" and insert "$44,813,000"; in lines 23 and 24, strike "$2,000,000" and insert "$2,187,000".

The amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Kremer asked unanimous consent to withdraw his pending amendment found in the Journal on page 1770. No objections. So ordered.

Mr. Kremer offered the following amendment:
1. On page 1, line 7, strike "17,700,000" and insert "17,000,000"; in line 8, strike "17,700,000" and insert "17,000,000".
2. Insert the following new section:

"Sec. 6 There is hereby appropriated (1) $700,000 from the General Fund for the period July 1, 1982, to June 30, 1983, and (2) $700,000 from the General Fund for the period July 1, 1983, to June 30, 1984, to the State Treasurer, for Program 119, to aid in carrying out the provisions of Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982. There shall be no expenditures for permanent and temporary salaries and per diems for state employees from funds appropriated in this section.".

3. Renumber remaining sections accordingly.

The Kremer amendment was adopted with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Haberman
Kahle
Kremer
Lamb
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner

Present and not voting, 4:

Chambers
Goll
Hefner
Johnson, V.

Excused and not voting, 2:

Marvel
Peterson, R.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 4 present and not voting, and 2 excused and not voting.

MOTION- Return LB 89 to Select File

Mrs. Marsh asked unanimous consent to withdraw her pending amendment found in the Journal on page 1780. No objections. So ordered.

Mrs. Marsh and Mr. Haberman moved to suspend Rule 7 §3(D) and Rule 1 §12 to permit consideration of the Marsh amendments to LB 89.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mrs. Marsh requested a roll call vote on her motion.

Voting in the affirmative, 29:

Beutler
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 15:

Apking
Burrows
Carsten
Goll
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 4:

Barrett
Beyer
Dworak
Fenger

Excused and not voting, 1:

Marvel

The Marsh-Haberman motion lost with 29 ayes, 15 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Dworak moved to reconsider the vote to suspend the rules.

Mr. Dworak requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 27:

Beutler
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Rumery
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Carsten
Fenger
Goll
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Sieck
Stoney
Von Minden

Present and not voting, 3:

Beyer
Clark
Kremer

Excused and not voting, 2:

Burrows
Marvel

The Dworak motion prevailed with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

Mrs. Marsh asked unanimous consent to withdraw her motion to suspend the rules. No objections. So ordered.

Mrs. Marsh moved to return LB 89 to Select File for the Marsh-Haberman-Hefner specific amendment:
Req. #1815

(Final Reading Copy)

1. Strike the original sections and insert the following new sections:

"Section 1. That section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of forty-three thousand dollars. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-three thousand dollars by six per cent. On January 6, 1983, the salary of the

Chief Justice and Judges of the Supreme Court as provided for in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by five per cent. The Governor shall receive an annual salary of forty thousand dollars. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That original section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. In the title, strike lines 2 through 6 and insert:

"FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to provide salary increases for Supreme Court judges; and to repeal the original section.".

Mr. Beutler requested a ruling of the chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. Haberman challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to overrule the Chair lost with 11 ayes, 25 nays, 12 present and not voting, and 1 excused and not voting.

The Chair was sustained.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 245

April 12, 1982

Dear Senator Chambers:

You have inquired whether the State of Nebraska, through its Legislature, may constitutionally exempt persons under the age of 18 years from the imposition of a sentence of death.

At the present time, we are aware of no constitutional impediment to a state limiting by legislation the class of persons upon which a sentence of death may be imposed. This opinion is limited to the instant question where the limitation is based upon a classification of persons — Juveniles — which is already recognized by our statutes and uniformly granted unique treatment under the criminal laws of this country. See, Neb.Rev.Stat. §§43-201.01 et seq. (Reissue 1978); Neb.Rev.Stat. §43-247, §43-261 and §43-276 (1981 Supp.), operative July 1, 1982.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jmf
m3
cc: Patrick O'Donnell
Clerk of the Legislative

Opinion No. 246

April 12, 1982

Dear Senator Nichol:

You have inquired whether the State of Nebraska, through its Legislature, may constitutionally exempt persons under the age of 18 years from the imposition of a sentence of death.

At the present time, we are aware of no constitutional impediment to a state limiting by legislation the class of persons upon which a sentence of death may be imposed. This opinion is limited to the instant question where the limitation is based upon a classification of persons — juveniles — which is already recognized by our statutes and uniformly granted unique treatment under the criminal laws of this country. See, Neb.Rev.Stat. §§43-201.01 et seq. (Reissue 1978);

Neb.Rev.Stat. §43-247, §43-261 and §43-276 (1981 Supp.), operative July 1, 1982.

You have also inquired regarding the effect of the proposed amendment to LB 787, removing persons convicted of murder in the first degree, who are under eighteen years of age, from exposure to a sentence of death, would have upon those presently sentenced to death. Passage of this amendment would only effect a sentence of death which had not become final. See Opinion No. 218, March 15, 1982.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:jmf
m3
cc: Patrick O'Donnell
Clerk of the Legislature

MOTION - Return LB 404 to Select File

Mr. Warner moved to return LB 404 to Select File for the following specific amendment:

(Final Reading Copy)

1. Insert the following new section:
"Sec. 35. On the effective date of this act, the Nebraska Commission on Aging shall transfer all office equipment, furniture, records, and personnel to the Department on Aging. Any balance remaining from appropriations made to the Nebraska Commission on Aging including appropriations made pursuant to Legislative Bill 761, Eighty-seventh Legislature, Second Session, 1982, shall be transferred to the Department on Aging.".
2. Renumber remaining sections accordingly.

The motion to return prevailed with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 404. The Warner specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 404A to Select File

LEGISLATIVE BILL 404A. Mr. Warner moved to return LB 404A to Select File for the following specific amendment:

(Final Reading Copy)

Req. #1835

1. Strike section 2.

2. On page 2, line 25, strike "(1)" and strike "2" and insert "4"; and strike line 26 and insert "this act".

3. On page 3, line 2, strike "(a)" and insert "(1)"; in line 3, strike "(b)" and insert "(2)"; in line 4, strike "(c)" and insert "(3)"; in line 5, strike "(d)" and insert "(4)"; in line 6, strike "(e)" and insert "(5)"; in line 7, strike "(f)" and insert "(6)"; in line 8, strike "(g)" and insert "(7)"; in line 9, strike "(h)" and insert "(8)"; and strike lines 10 through 20.

4. Insert the following new sections:

"Sec. 2. There is hereby appropriated five hundred ten thousand four hundred sixty-one dollars from the General Fund for the period July 1, 1982, to June 30, 1983, to the Department of Aging, for Program 571, to aid in carrying out the provisions of Legislative Bill 404, Eighty-seventh Legislature, First Session, 1981.

Sec. 3. Funds appropriated in section 2 of this act shall be distributed among the Area Agencies on aging as follows:

(1) Area Agency on Aging Region A	$80,000
(2) Area Agency on Aging Region B	60,657
(3) Area Agency on Aging Region C	118,068
(4) Area Agency on Aging Region F	25,899
(5) Area Agency on Aging Region G	66,485
(6) Area Agency on Aging Region H	46,000
(7) Area Agency on Aging Region J	75,927
(8) Area Agency on Aging Region L	37,425

Sec. 4. There is hereby appropriated two million five hundred fifty-two thousand three hundred three dollars from the General Fund for the period July 1, 1983, to June 30, 1984, to the Department of Aging, for Program 571, to aid in carrying out the provisions of Legislative Bill 404, Eighty-seventh Legislature, First Session, 1981.".

5. Renumber original section 3 as section 5.

Mr. Warner moved for a Call of the House. The motion prevailed with 9 ayes, 2 nays, and 38 not voting.

The motion to return prevailed with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 404A. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 17 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 412 to Select File

Mrs. Labedz and Mr. Carsten moved to return LB 412 to Select File for the following specific amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - Req. #1862.)

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

The Labedz-Carsten motion was adopted with 27 ayes, 5 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 412. The Labedz-Carsten amendment referred to in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 488 to Select File

Mr. Goodrich moved to return LB 488 to Select File for his specific amendment, Req. #2872, found in the Journal on page 1397.

Mr. Goodrich requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Barrett
Beutler
Beyer
Chronister
Cullan
DeCamp
Duda
Fowler
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Labedz

Landis
Marsh
Newell
Vickers
Wagner
Warner
Wiitala

Voting in the negative, 23:

Apking
Burrows
Carsten
Chambers
Clark
Cope
Dworak
Fenger
Goll
Johnson, L.
Kahle
Kilgarin
Lamb
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wesely

Present and not voting, 2:

Hefner
Peterson, R.

Excused and not voting, 2:

Kremer
Marvel

The Goodrich motion lost with 22 ayes, 23 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Fowler asked unanimous consent to withdraw his pending amendment, Req. #1842, found in the Journal on page 1841. No objections. So ordered.

Mr. DeCamp moved to return LB 488 to Select File for the following specific amendment:

(Final Reading Copy)

1. Add the following new section:

"Section 1. That section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of forty-three thousand dollars. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-three thousand dollars by six per cent. On January 6, 1983, the salary of the Chief Justice and Judges of the Supreme Court as provided for in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by five per cent. The Governor shall receive an annual salary of forty thousand dollars. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That original section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.''.

2. In the title, strike lines 2 through 6 and insert:

''FOR AN ACT to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to provide salary increases for Supreme Court judges; and to repeal the original section.''.

Mr. Sieck moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

The DeCamp motion to return prevailed with 26 ayes, 18 nays, 3 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 488. The DeCamp specific amendment found in this day's Journal was adopted with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Stoney requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

MOTION - Return LB 547 to Select File

Mr. Schmit moved to return LB 547 to Select File for his specific amendment found in the Journal on page 1630.

The motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 547. The Schmit specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 547 to Select File

Mr. Chambers moved to return LB 547 to Select File for the following specific amendment:
P. 13 strike section 16.

The Chambers motion to return lost with 11 ayes, 16 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Chambers moved to reconsider his motion to return to Select File for a specific amendment.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 17:

Beutler
Burrows
Chambers
Chronister
Cullan
Dworak
Fowler
Goll
Hoagland
Kilgarin
Marsh
Newell
Pirsch
Stoney
Vickers
Wesely
Wiitala

Voting in the negative, 25:

Apking
Barrett
Carsten
Clark
Cope
DeCamp
Duda
Goodrich
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Lamb
Landis
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner

Present and not voting, 5:

Beyer
Fenger
Haberman
Higgins
Labedz

Excused and not voting, 2:

Kremer
Marvel

The Chambers motion lost with 17 ayes, 25 nays, 5 present and not voting, and 2 excused and not voting.

RECESS

At 5:58 p.m., on a motion by Mr. Haberman, the Legislature recessed until 7:00 p.m.

AFTER RECESS

The Legislature reconvened at 7:00 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows and Marvel who were excused; and Mesdames Apking, Higgins, Miss Kilgarin, Messrs. Beutler, Cope, Fowler, Koch, and Kremer who were excused until they arrive.

MOTION - Return LB 568 to Select File

Mr. Schmit moved to return LB 568 to Select File for the following specific amendment:

(Amendment to Req. #2666)

1. On page 3, line 21, after "36" insert "unless, such person consents to a voluntary antabuse treatment program."

The motion to return lost with 12 ayes, 19 nays, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 787 and 928..

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 787

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 787:

1. The section added by the Chambers amendment has been numbered as section 23.
2. Kilgarin amendment 7 has been stricken.
3. On page 3, line 14, an underscored comma has been inserted after "sixteen".
4. On page 7, line 12, "district" has been stricken and shown stricken.
5. In E & R amendment 3, line 1, the underscored comma has been stricken.

6. In E & R amendment 2, lines 3 and 4, amendment 5, lines 4 and 5, and amendment 6, line 6, "Second Session, 1982" has been stricken and "First Session, 1981" inserted.

7. Sections have been renumbered.

8. In the title "43-258," has been inserted at the end of line 3; in line 5 "43-285," has been inserted after the first comma; in lines 6 and 7, "the Nebraska Juvenile Code" has been stricken and "juveniles" inserted; in line 13, after the semicolon "to restrict the imposition of the death penalty; to provide an operative date; to provide severability;" has been inserted, and in line 15 after "1981", "; and to declare an emergency" has been inserted.

Enrollment and Review Changes to LB 928

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 928:

1. In lieu of the Beutler amendment thereto, in Req. 1809, page 3, line 6, ", and all borrowed funds shall be replaced prior to such date" has been inserted after "1983".

2. In the Warner amendment to page 68 "effective date of this act" has been stricken and "operative date of this section" has been inserted.

3. Sections have been corrected to reflect all amendments and internal references changed to correspond.

4. In Req. 2924, amendment 2, the renumbering of internal references has been stricken; and on page 7, line 3 "31-325" has been stricken and "21-325" inserted.

5. In Req. 1809, page 3, line 8, "strike 'This' and" has been stricken and "before 'This' "inserted; and in lines 10 and 11 ". The other sections of this" has been stricken and "," inserted.

6. In E & R 7, line 4, "and on page 21," has been stricken; in line 5, "1" has been stricken and "16" inserted, "and on page 2," has been inserted after the semicolon, and "4" has been stricken and "2" inserted; in line 7, "5" and "6" has been stricken and "3" and "6" inserted respectively; in line 8, "7" has been stricken and "5" inserted; and in line 10, "10 and 11" has been stricken and "8 and 9" inserted.

7. The repealer section has been rewritten into two sections to correspond with the operative dates of the amendatory sections. An operative date for the section added by the V. Johnson amendment has been inserted.

8. In the title, line 2, "fees" has been stricken and "funds" inserted; in line 3, "21-301," has been inserted after the second comma, "21-304," has been inserted after the third comma, and after

E & R amendment thereto, "21-313, 21-323, 21-325," has been inserted; in line 9, "66-450," has been stricken; and on page 2, line 8, after the semicolon "to authorize transfers of certain funds as prescribed; to provide duties;" has been inserted; and on page 2, line 10, after the semicolon "to provide a conditional repeal of section 71-1902, Reissue Revised Statutes of Nebraska, 1943, as amended by this act;" has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

MOTION - Return LB 212 to Select File

Messrs. Cullan and V. Johnson asked unanimous consent to withdraw their pending amendment, Req. #1813, found in the Journal on page 1823. No objections. So ordered.

Mr. Cullan moved to return LB 212 to Select File for the following specific amendment:
Req. #1869

(Final Reading Copy)

1. Insert the following new sections:

"Sec. 10. Beginning July 1, 1983, the revenue derived from one cent of the cigarette tax imposed by sections 77-2602 and 77-2616 shall be placed in the Cancer Research and Registry Fund, which fund is hereby created. Such fund shall be used for funding (a) sections 81-637 to 81-640, (b) the University of Nebraska Nebraska Eppley Institute for Research in Cancer and Allied Diseases, (c) sections 1 to 9 of this act, and (d) for associated administrative expenses of the Department of Health. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 11. The provisions of sections 1 to 9 of this act shall become operative on July 1, 1983, except that necessary actions preparatory to their implementation may be taken prior to such date.".

2. On page 2, in lines 6, 19, and 22; page 3, line 18; page 4, line 1; page 5, in lines 17 and 22; and page 6, in lines 2, 4, 10, and 17, before "this" insert "sections 1 to 9 of".

3. On page 4, line 22, strike "any" and "record", and after "medical" insert "records which document the diagnosis and treatment of cancer".

4. On page 6, line 5, strike "This" and insert "Sections 1 to 9 of this".

5. In the title in line 2 strike "medical records" and insert "public health and welfare"; in line

5 strike "and"; and in line 7 after "registry" insert "; to create a fund; and to provide an operative date".

The motion to return prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 212. The Cullan specific amendment found in this day's Journal was adopted with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 212A to Select File

Messrs. Cullan and V. Johnson asked unanimous consent to withdraw their pending amendment, Req. #1829, found in the Journal on page 1825. No objections. So ordered.

Mr. V. Johnson moved to return LB 212A to Select File for the following specific amendment:

(Final Reading Copy)

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated seventy-two thousand dollars from the Cancer Research and Registry Fund for the period July 1, 1983, to June 30, 1984, to the Department of Health, for Program No. 622, to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed forty thousand dollars for the period July 1, 1983, to June 30, 1984."

The motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 212A. The V. Johnson specific amendment found in this day's Journal was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 212A to Select File

Mr. Cullan moved to return LB 212A to Select File for the Cullan, Fenger, H. Peterson, Duda, Beyer, Apking, Von Minden, Clark, Kremer, L. Johnson, R. Peterson, Remmers, Chronister, and Hefner following specific amendment:

(Final Reading Copy)

PURPOSE: To reduce the appropriation to the NETV Commission by $72,382 for the costs associated with coverage of the Legislature; to reduce the reduction made in LB 761 for legislative staffing.

AMENDMENT:

Add the following new sections; and renumber

"Section 1. The general fund appropriation for the period July 1, 1982, to June 30, 1983, to the Nebraska Educational Television Commission, Program 533, as contained in LB 761, Eighty-seventh Legislature, Second Session, 1982, is hereby reduced by $72,382.

Section 2. There is hereby appropriated $72,382 from the General Fund for the period July 1, 1982, to June 30, 1983, to the Legislative Council, for Program 122.".

Mr. Newell requested a ruling of the Chair on whether the Cullan amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

MOTION - Return LB 520 to Select File

Mr. DeCamp moved to return LB 520 to Select File for a specific amendment.

Mr.DeCamp asked unanimous consent to substitute the amendment.

Mr. Beutler objected.

Mr. DeCamp moved to substitute the amendment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The DeCamp motion to substitute the amendment prevailed with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

Mr. DeCamp moved to return LB 520 to Select File for his pending substitute amendment.

Mr. Vickers requested a ruling of the Chair on whether the amendment is germane to the bill.

The Chair ruled the amendment is not germane to the bill.

Mr. DeCamp moved to suspend the rules, Rule 7, Section 3(d) and Rule 1, Section 12, to permit consideration of the DeCamp amendments contained in Req. 1864 to LB 520 without further debate on germaneness issues.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 23:

Beyer
Chambers
Chronister
Cullan
DeCamp
Duda
Fenger
Hefner
Higgins
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Peterson, H.
Rumery
Schmit
Sieck
Stoney
Von Minden
Warner

Voting in the negative, 21:

Apking
Barrett
Beutler
Carsten
Cope
Dworak
Fowler
Goll
Goodrich
Hoagland
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, R.
Remmers
Vickers
Wagner
Wesely
Wiitala

Present and not voting, 3:

Clark
Haberman
Pirsch

Excused and not voting, 2:

Burrows
Marvel

The DeCamp motion lost with 23 ayes, 21 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Suspend Rules on LB 242

Mrs. Labedz moved to suspend the rules, Rule 7, Section 3 (d) and Rule 1, Section 12, to permit consideration of the Labedz amendments contained in Req. 2944 to LB 242 without further debate on germaneness issues.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 11 nays, and 18 present and not voting.

Mr. Lamb moved to suspend Rule 2 Section 10 that no more than 15 minutes be allowed on any one issue.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 present and not voting.

Mr. Lamb requested a roll call vote on his motion.

Voting in the affirmative, 31:

Apking
Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Koch
Kremer
Labedz
Lamb
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner

Voting in the negative, 13:

Beutler
Chambers
Cullan
Dworak
Hoagland
Johnson, V.
Kilgarin
Landis
Pirsch
Stoney
Vickers
Warner
Wesely

Present and not voting, 3:

Newell
Von Minden
Wiitala

Excused and not voting, 2:

Burrows
Marvel

The Lamb motion prevailed with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

Mrs. Labedz requested a roll call vote on her motion to suspend the rules.

Voting in the affirmative, 25:

Apking
Carsten
Chambers
Chronister
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Johnson, L.
Kilgarin
Koch
Labedz
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Schmit
Vickers
Wagner
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Beyer
Clark
Cope
Cullan
Dworak
Kahle
Kremer
Lamb
Landis
Marsh
Newell
Sieck
Stoney
Von Minden
Warner
Wesely

Present and not voting, 4:

Fenger
Hoagland
Johnson V.
Peterson R.

Excused and not voting, 2:

Burrows
Marvel

The Labedz motion lost with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the Call raised.

MOTION - Return LB 933 to Select File

Mr. Warner moved to return LB 933 to Select File for his specific amendment found in the Journal on page 1727.

The Warner motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Warner specific amendment found in the Journal on page 1727 was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 933 to Select File

Mr. Warner moved to return LB 933 to Select File for the following specific amendment:

(Final Reading Second)

1. Insert a new section to read:

"Sec. 6. No payments shall be made to any vendor, under Title XIX of the Social Security Act, as reimbursement for dues for any educational or professional association.".

2. Renumber sections 6 to 8 as sections 7 to 9.

3. In the title, insert "to prohibit certain payments;" at the end of line 13.

4. Add the severability clause.

The Warner motion to return prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 933. The Warner specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Landis moved to recess until 11:15 p.m.

Mr. Lamb requested a roll call vote on the motion to recess.

Voting in the affirmative, 18:

Barrett
Beutler
Beyer
Cullan
Duda
Dworak
Goll
Johnson, V.
Koch
Landis
Marsh
Nichol
Pirsch
Remmers
Stoney
Vickers
Warner
Wiitala

Voting in the negative, 23:

Apking
Carsten
Chambers
Chronister
Clark
DeCamp
Fenger
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Peterson, H.
Rumery
Schmit
Sieck
Von Minden
Wagner
Wesely

Present and not voting, 6:

Cope
Fowler
Higgins
Kilgarin
Newell
Peterson, R.

Excused and not voting, 2:

Burrows
Marvel

The motion to recess lost with 18 ayes, 23 nays, 6 present and not voting, and 2 excused and not voting.

MOTION - Suspend Rules on LB 924

Mr. Chronister moved to suspend the following specific rules:
Rule 5 - (Section 6 thereof),
Rule 6 - (Section 3, Section 4, and Section 5 thereof), and
Rule 7 - (Section 3 thereof),
for the specific purpose only of placing LB 924, as amended by the Chronister Amendment printed at page 1224 of the Journal, on E & R for Engrossing.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 11 nays, and 12 not voting.

Mr. Chronister requested a roll call vote on his motion.

Voting in the affirmative, 20:

Apking
Carsten
Chronister
Cope
Goll
Goodrich
Hefner
Higgins
Johnson, L.
Kilgarin
Kremer
Labedz
Marsh
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Von Minden
Warner

Voting in the negative, 19:

Beutler
Clark
Cullan
Dworak
Fenger
Fowler
Hoagland
Johnson, V.
Kahle
Lamb
Landis
Newell
Nichol
Rumery
Schmit
Stoney
Vickers
Wesely
Wiitala

Present and not voting, 7:

Barrett
Beyer
DeCamp
Duda
Haberman
Koch
Wagner

Excused and not voting, 2:

Burrows Marvel

Absent and not voting, 1:

Chambers

The Chronister motion lost with 20 ayes, 19 nays, 7 present and not voting, 2 excused and not voting, and 1 absent and not voting.

MOTION - Return LB 255 to Select File

Mr. Warner moved to return LB 255 to Select File for the following specific amendment:

(Final Reading Copy)
On page 2, in lines 9 and 10, strike "July" and show as stricken and insert "April" and strike "1982" and insert "1983".

The motion to return prevailed with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 255. The Warner specific amendment found in this day's Journal was adopted with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 255A to Select File

Mr. Warner moved to return LB 255A to Select File for the following specific amendment:

(Final Reading Copy)
On page 2, in line 3, strike "July 1, 1982" and insert "April 1, 1983".

The motion to return prevailed with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 255A. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 412 to Select File

Mr. DeCamp moved to return LB 412 to Select File for the following specific amendment:

Req. #1875

(Final Reading Copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Pursuant to section 49-302, specific provision is hereby made for the reinstatement of sections 77-3611 to 77-3615, Revised Statutes Supplement, 1981.

Sec. 2. That section 77-3612, Revised Statutes Supplement, 1981, be amended to read as follows:

77-3612. For fiscal year 1982-83 and each fiscal year thereafter the Legislature shall appropriate ~~seventy million~~ ten thousand dollars from the General Fund to a special fund, to be known as the Political Subdivision Property Tax Relief Fund, which fund is hereby created. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 3. That section 10, Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982, be amended to read as follows:

Sec. 10. That original sections 77-27,136, 77-27,137, 77-27,137.01, and 79-2651, Revised Statutes Supplement, 1980, and also sections 77-3605 to ~~77-3615~~ 77-3610, Revised Statutes Supplement, 1981, are repealed.

Sec. 4. That original section 77-3612, Revised Statutes Supplement, 1981, and section 10, Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

2. In the title, strike lines 2 through 11 and insert:

"FOR AN ACT relating to revenue and taxation; to amend section 77-3612, Revised Statutes Supplement, 1981, and section 10, Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982; to provide for aid to political subdivisions as prescribed; to reinstate certain provisions; to repeal the original sections; and to declare an emergency.".

The motion to return prevailed with 28 ayes, 7 nays, 12 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 412. The DeCamp specific amendment found in this day's Journal was adopted with 28 ayes, 7 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 488 to Select File

Mr. Goodrich moved to return LB 488 to Select File for the following specific amendment:

Req. #1872

1. Strike the original sections and all amendments thereto and insert new sections as follows:

"Section 1. That section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-201.01. As soon as the same may be legally paid under the Constitution of Nebraska, the Chief Justice and Judges of the Supreme Court shall each receive an annual salary of forty-three thousand dollars. On January 8, 1981, the salary shall be increased to an amount equal to six per cent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing forty-three thousand dollars by six per cent. On January 6, 1983, the salary of the Chief Justice and Judges of the Supreme Court as provided for in this section shall be increased by an amount equal to five per cent. On January 1, 1984, the salary of the Chief Justice and the Judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by five per cent. The Governor shall receive an annual salary of forty thousand dollars. On January 6, 1983, the salary of the Governor as provided for in this section shall be increased by five per cent. On January 1, 1984, the Governor's salary shall be increased by five per cent over the previous year's salary. The Chief Justice and the Judges of the Supreme Court shall hold no other public office of profit or trust during their terms of office nor accept any public appointment or employment under the authority of the government of the United States for which they receive compensation for their services. Such salaries shall be payable in equal monthly installments.

Sec. 2. That section 75-104, Revised Statutes

Supplement, 1980, be amended to read as follows:

75-104. As soon as the same may be payable under the Constitution of Nebraska, each of the commissioners shall receive an annual salary of twenty-five thousand dollars, payable in the same manner that the salaries of other state officers are paid. On January 6, 1983, the salaries of the commissioners as provided for in this section shall be increased by five per cent. On January 1, 1984, the commissioners' salaries shall be increased by five per cent over the previous year's salaries. In addition thereto, the commissioners, secretary, clerks, and other employees of the commission shall be entitled to receive from the state their actual necessary traveling expenses, which shall include the cost of transportation while traveling on the business of the commission, to be paid in the same manner as other claims against the state; Provided, that in computing the cost of transportation for commissioners, secretary, clerks, and other employees, no mileage or other traveling expense shall be claimed or allowed unless the provisions of sections 84-306 to 84-306.05 are strictly complied with.

Sec. 3. That section 84-201.01, Revised Statutes Supplement, 1980, be amended to read as follows:

84-201.01. ~~Until the first Thursday after the first Tuesday in January, 1979, there shall be paid as salary to the Attorney General, the sum of thirty two thousand five hundred dollars.~~ Commencing the first Thursday after the first Tuesday in January, 1979, there shall be paid as salary to the Attorney General, the sum of thirty-nine thousand five hundred dollars. On January 6, 1983, the salary of the Attorney General as provided for in this section shall be increased by five per cent. On January 1, 1984, the Attorney General's salary shall be increased by five per cent over the previous year's salary. The salary of the Attorney General shall be payable in equal monthly installments.

Sec. 4. That section 84-721, Revised Statutes Supplement, 1980, be amended to read as follows:

84-721. ~~Until the first Thursday after the first Tuesday in January, 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of twenty five thousand dollars per annum; Auditor of Public Accounts, the sum of twenty five thousand dollars per annum; State Treasurer, the sum of twenty five thousand dollars per annum; and the Lieutenant Governor, the sum of twenty five thousand dollars per annum.~~ From and after the first Thursday after the first Tuesday in January, 1979, there shall be paid as salaries to certain constitutional officers, as follows: Secretary of State, the sum of thirty-two thousand dollars per annum; Auditor of Public Accounts, the sum of thirty-two thousand dollars per annum; State Treasurer, the sum of thirty-two thousand dollars per annum; and the Lieutenant Governor, the sum of thirty-two thousand dollars per annum. On January 6, 1983, the salaries of the Secretary of State, Auditor of Public Accounts, State Treasurer, and Lieutenant Governor shall be increased by five per cent. On January 1, 1984, such salaries shall be increased by five per cent over the previous year's salaries. Such salaries shall be payable in equal monthly installments.

Sec. 5. That original section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, and sections 75-104, 84-201.01, and 84-721, Revised Statutes Supplement, 1980, are repealed.".

The motion to return prevailed with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 488. The Goodrich specific amendment found in this day's Journal was adopted with 25 ayes, 10 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossed.

Mr. Cullan moved to be at ease until 11:45.

Mr. Lamb requested a roll call vote on the motion to stand at ease.

Voting in the affirmative, 25:

Apking
Barrett
Beutler
Beyer
Cullan
DeCamp
Dworak
Fowler
Goll
Haberman
Johnson, L.
Kilgarin
Koch
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Carsten
Chambers
Chronister
Cope
Duda
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kremer
Labedz
Lamb
Rumery
Schmit
Sieck
Von Minden
Wagner

Present and not voting, 2:

Clark
Newell

Excused and not voting, 2:

Burrows
Marvel

The motion to stand at ease prevailed with 25 ayes, 20 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Koch moved to reconsider our action to stand at ease.

Mr. Schmit requested a roll call vote on the Koch motion.

Voting in the affirmative, 21:

Chambers
Chronister
Cope
DeCamp
Duda
Fenger
Goodrich
Hefner
Higgins
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Nichol
Rumery
Schmit
Sieck
Von Minden
Wagner

Voting in the negative, 21:

Barrett
Beutler
Beyer
Carsten
Cullan
Dworak
Fowler
Goll
Haberman
Hoagland
Johnson, L.
Kilgarin
Landis
Marsh
Newell
Peterson, H.
Pirsch
Remmers
Stoney
Vickers
Warner

Present and not voting, 5:

Apking
Clark
Peterson, R.
Wesely
Wiitala

Excused and not voting, 2:

Burrows
Marvel

The Koch motion to reconsider their action lost with 21 ayes, 21 nays, 5 present and not voting, and 2 excused and not voting.

EASE

The Legislature was at ease from 10:13 p.m. until 11:49 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 933, 547, 488, 404, 404A, 212, and 212A.

Correctly Engrossed

The following bills were correctly engrossed: 816 and 816A.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 933

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 933:

1. The unnumbered section added by the Warner amendment on April 13 has been inserted as section 7, the severability clause has been inserted as section 8, and sections 6 to 8 have been renumbered as sections 9 to 11.
2. In the title of Final Reading (Second) at the end of line 13, "to prohibit certain payments; to appropriate funds; to provide severability;" has been inserted.

Enrollment and Review Changes to LB 488

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 488:

1. Because of the DeCamp amendment adopted 4/13, original section 1 has been stricken.
2. The DeCamp amendment 2 has been stricken.
3. Section 2 added by the DeCamp amendment has been stricken.

Enrollment and Review Changes to LB 404

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 404:

1. The changes to sections 68-1104, 68-1105, and 81-102, made during the 1981 Legislative session have been incorporated. The necessary changes to the title and repealer have been made.
2. On page 6, line 25, "1981" has been stricken and "1982" inserted.
3. On page 3, line 24, page 4, lines 9, 11, 17, and 23, page 7, line 2, page 8, line 18, page 9, line 1, page 12, lines 8 and 21, page 14, line 27,

and page 15, line 4, "sections 1 to 28 of" has been inserted before "this".

4. On page 3, line 16, "This act is" has been stricken and "Sections 1 to 28 of this act are" inserted.

Enrollment and Review Changes to LB 404A

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 404A:

1. In the Final Reading copy, page 2, line 6, and in the Warner amendments, page 1, line 17, and page 2, line 10, "of" has been stricken and "on" inserted.

Enrollment and Review Changes to LB 212

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 212:

1. In the Cullan amendmemt on page 1, line 8, "(a)" has been stricken and "(1)" inserted; in line 9 "(b)" has been stricken and "(2)" inserted; and in line 11 "(c)" and "(d)" have been stricken and "(3)" and "(4)" inserted.

Enrollment and Review Changes to LB 816

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 816:

1. In new section 6, line 1, a period has been inserted after "6".
2. Sections have been renumbered.
3. In the E & R amendment to the title, line 2, the second "and" has been stricken and ", and 79-2651" has been inserted after "77-27,137.01".
4. In the title in line 6 "and" has been stricken, and in line 9 after "1981", "; and to declare an emergency" has been inserted.

(Signed) Emory P. Burnett
E & R Attorney

MOTION - Override Veto on LB 626

Messrs. Wesely and Hoagland moved that LB 626 become law notwithstanding objections of the Governor.

Mr. Hoagland asked unanimous consent to withdraw their pending motion. No objections. So ordered.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the following rules: Rule 7, Sec. 3; Rule 6, Sec. 6; Rule 5, Sec. 7; Rule 6, Sec 5; Rule 7, Sec. 3; Rule 7, Sec. 7; Rule 2, Sec. 10 and take up the following bills and motions with no debate other than an explanation not to exceed one minute by the moving Senator(s). Each bill will be taken up separately with the enumerated motion on said bill, and advancement, to be voted up. Such vote Requiring 25 votes.

1) Motion to adopt the Goodrich amendment and the Labedz amendment to LB 408 and advance the same to E & R for Engrossing.

2) Motion by Senator Hefner to adopt his amendment by returning LB 242 to Select File for the same and readvancing it to E & R for Engrossment.

3) Motion by Senator Schmit to advance LB 953 to E & R for Engrossing.

4) Motion to adopt the DeCamp amendment to LB 522A and advance the same to E & R for Engrossing.

Mr. DeCamp asked unanimous consent to withdraw his motion. No objections. So ordered.

STANDING COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 255, 255A, and 412.

(Signed) Karen Kilgarin, Chairperson

Enrollment and Review Changes to LB 412

The following changes, now required to be reported to you for publication in the Journal, have been made to LB 412:

1. In the DeCamp amendment, req. 1875, sections 1 to 3, 4, and 5, have been renumbered as sections 27 to 29, 31, and 33, respectively.
2. In the Labedz amendment, req. 1862, sections 27 and 28 have been renumbered as sections 30 and 32, respectively.
3. In the Labedz amendment, req. 1862, on page 18, line 20, strike "This" and insert "Sections 1 to 26 and 32 of this"; and in line 21 after "1984" insert ", and the remaining sections shall become operative on their effective date".
4. In lieu of all other amendments to the title, lines 2 to 11 of the title have been stricken and the following inserted:

"FOR AN ACT relating to revenue and taxation; to amend sections 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, 77-3517, 77-3523, and 77-3525, Revised Statutes Supplement, 1980, sections 77-202.03, 77-3508, and 77-3612, Revised Statutes Supplement, 1981, and section 10, Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982; to change provisions relating to exemption of personal property as prescribed; to provide for homestead exemption application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for the transfer of homestead exemptions; to define terms; to provide certain exemption rates; to provide exemptions for renters; to provide a penalty; to reinstate certain statutory provisions; to provide for aid to political subdivisions as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.".

ADJOURNMENT

At 12:00 midnight, on a motion by Mr. Clark, the Legislature adjourned until 9:00 a.m., Wednesday, April 14, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 14, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 14, 1982

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Clark presiding.

PRAYER

The prayer was offered by Rev. Charles Reimnitz, Christ Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Beyer, Burrows, Chambers, Hoagland, V. Johnson, Landis, Stoney, and Miss Kilgarin who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1901, line 24, strike "Re-Engrossed" and insert "Re-Engrossment".
Page 1901, line 35, strike "Fowler" and insert "Fenger".
The Journal for the Fifty-Eighth Day was approved as corrected.

RESOLUTIONS

LEGISLATIVE RESOLUTION 382.

Introduced by Carsten, 2nd District; Fowler, 27th District.

WHEREAS, the Plattsmouth High School Band will represent Nebraska in the nation's July Fourth parade in Washington, D.C.; and

WHEREAS, the band was selected to represent the state on the basis of its outstanding ability to perform; and

WHEREAS, the 99 members of the Plattsmouth High School Band will walk from Plattsmouth to the State Capitol on April 14 and 15 to earn the $30,000 needed for the Washington trip; and

WHEREAS, the band's 55-mile walk will be made in conjunction with the celebration of the 50th anniversary of the Nebraska capitol building; and

WHEREAS, the Plattsmouth High School band members are demonstrating their strong tradition of excellence and dedication to music.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognize and commend the Plattsmouth High School Band for its dedication and excellence in the field of music.

2. That the Nebraska Legislature support the efforts of the Plattsmouth High School Band to represent Nebraska in Washington, D.C.

Laid over.

LEGISLATIVE RESOLUTION 383.

Introduced by Wesely, 26th District.

WHEREAS, the threat of nuclear war is the most powerful threat humanity has ever faced; and

WHEREAS, the government of the United States must move forward and develop policies and take action to avoid this potential holocaust; and

WHEREAS, for a democracy to function most effectively it must have an informed and involved citizenry; and

WHEREAS, the Ground Zero program is a non-partisan and non-advocacy effort to encourage the American people to study, discuss and express themselves on the threat of nuclear war during the week of April 18-25, 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of April 18-25, 1982 is hereby declared NUCLEAR AWARENESS WEEK in the State of Nebraska.

2. That the Legislature recommends the observance of this week by all citizens of the state.

Laid over.

LEGISLATIVE RESOLUTION 384.

Introduced by Wesely, 26th District.

WHEREAS, alcohol abuse causes serious social problems; and

WHEREAS, an official warning label on alcoholic beverages, similar to that for cigarettes, would seem to be the minimum step the U.S. government should take to combat this social problem; and

WHEREAS, a coalition of public interest groups has urged the alcoholic beverage industry to voluntarily place drunk driving and health warnings on beer, wine and liquor; and

WHEREAS, legislation has been introduced in the U.S. Congress to require that labels of certain alcoholic beverages contain a statement warning consumers of the possible health hazards associated with the consumption of alcohol;

NOW, THEREFORE, BE IT RESOLVED by the Eighty-Seventh Legislature of the State of Nebraska, Second Session, that:

1. The Legislature encourages the alcoholic beverage industry to voluntarily place warning labels on alcoholic beverage containers; and
2. If voluntary action is not taken by the alcoholic beverage industry, the Legislature supports federal legislation requiring a label on alcoholic beverage bottles warning of the health hazards associated with alcohol; and
3. A copy of this resolution be sent to the members of Nebraska's Congressional delegation.

Laid over.

MOTION - Withdraw LB 522A

Mr. V. Johnson asked unanimous consent to withdraw LB 522A.

Laid over.

MOTION - Proposed Rules Change

Mr. Newell moved to amend Rule 3, Section 2 (a) as follows:

At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts No. 1, 2, 15, 16, 23 to 30, 32 to 35, and 46; four from Districts No. 3 to 14, 20, 31, and 45; and four from Districts No. 17 to 19, 21, 22, 36 to 44, and 47 to 49.

Referred to the Rules Committee.

MOTION - Lay Over LB 568

Mr. Dworak moved to lay over LB 568 until the end of Final Reading.

Mr. Warner offered the following amendment to the Dworak motion:
Amend the Dworak motion so as to consider LB 568 after LB 909.

The Warner amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Dworak motion, as amended, prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 688.

A BILL FOR AN ACT to amend section 79-902.01, Revised Statutes Supplement, 1981, relating to schools; to change certain provisions relating to board of eduation elections; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Beutler
Burrows
Carsten
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Kremer
Landis
Marsh
Newell
Remmers
Rumery
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 16:

Apking
Barrett
Clark
Cope
Hefner
Higgins
Johnson, L.
Koch
Labedz
Lamb
Nichol
Peterson, H.
Pirsch
Sieck
Stoney
Von Minden

Present and not voting, 2:

Peterson, R.
Schmit

Excused and not voting, 4:

Beyer
Chambers
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 708.

A BILL FOR AN ACT relating to minerals; to provide that geothermal deposits shall be treated as mineral interests; to define terms; and to provide for permits.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Apking
Barrett
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Cullan
Vickers

Present and not voting, 4:

Beutler
Chambers
Rumery
Schmit

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 753. With Emergency.

A BILL FOR AN ACT to amend sections 77-2602 and 77-2616, Revised Statutes Supplement, 1981, relating to the cigarette tax; to increase the cigarette tax; to delete obsolete matter; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 34:

Apking
Barrett
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 12:

Beutler
Burrows
Dworak
Fowler
Higgins
Labedz
Newell
Rumery
Sieck
Vickers
Wesely
Wiitala

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 757. With Emergency.

A BILL FOR AN ACT to amend section 77-2715.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.01, Revised Statutes Supplement, 1980, relating to taxation; to provide a temporary increase in the sales tax; to reduce the minimum estimated receipts in setting tax rates; to delete obsolete matter; to change provisions for adjustment of tax rates; to provide a required reserve in budget preparation; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Mr. Warner requested a roll call vote.

Voting in the affirmative, 34:

Apking
Barrett
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Voting in the negative, 12:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Labedz
Newell
Pirsch
Wesely
Wiitala

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to health care; to provide that hospitals furnish an itemized list of expenses as prescribed; and to provide an exception.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Apking
Beutler
Burrows
Carsten
Chambers
Cullan
DeCamp
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Newell
Pirsch
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 18:

Barrett
Chronister
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Von Minden

Present and not voting, 1:

Clark

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 854.

A BILL FOR AN ACT relating to the hearing impaired; to provide a news and information system for the hearing impaired as prescribed.

Voting in the affirmative, 36:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
Clark
Cullan
DeCamp
Dworak
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 8:

Cope
Fenger
Johnson, L.
Lamb
Peterson, H.
Pirsch
Stoney
Warner

Present and not voting, 2:

Beutler
Duda

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 854A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 854, Eighty-seventh Legislature, Second Session, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
Clark
DeCamp
Dworak
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Cope
Cullan
Duda
Fenger
Johnson, L.
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Warner

Present and not voting, 3:

Beutler
Hefner
Kahle

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 909. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-106 and 17-567, Reissue Revised Statutes of Nebraska, 1943, and section 17-503, Revised Statutes Supplement, 1981; to change provisions relating to the annexation of certain additions as prescribed; to provide for the sale of real and personal property as prescribed; to eliminate provisions relating to the sale of public squares, streets, and alleys; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Higgins

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 568 to Select File

Mr. Chambers asked unanimous consent to withdraw his pending amendment to LB 568 found in the Journal on page 1837. No objections. So ordered.

Mr. Koch moved to return LB 568 to Select File for the following specific amendment:
Strike enacting clause.

Mr. Koch asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 568.

A BILL FOR AN ACT relating to criminal offenses; to amend sections 28-106, 29-2219, 29-2260, 39-669.08, 39-669.16, and 39-669.34, Reissue Revised Statutes of Nebraska, 1943, and section 39-669.07, Revised Statutes Supplement, 1980; to create a new class of misdemeanor; to limit pretrial diversion; to change provisions relating to driving under the influence of alcoholic liquor or drugs; to change provisions relating to submission to chemical tests; to resitrict the issuance of employment driving permits; to change certain probation provisions; to provide for penalties; to provide severability; and to repeal the original sections, and also sections 39-669.31 and 39-669.32, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 44:

Apking
Barrett
Beutler
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 2:

Burrows
Chambers

Excused and not voting, 3:

Beyer	Kilgarin	Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Lamb moved to suspend the rules, Rule 6, Section 7, to permit consideration on final reading of LB 480, 591, 629, and 629A.

Mr. Landis offered the following amendment to the Lamb motion:
Delete the reference to LB 591.

The Landis amendment to Lamb's motion was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The Lamb motion, as amended, prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

MOTION - Return LB 480 to Select File

Mr. V. Johnson moved to return LB 480 to Select File for the following specific amendment:
Insert "as of December 31, 1982" after "amended" in line 12, page 4, Final Reading copy.

Mr. V. Johnson asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

Mr. Wiitala asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 480.

A BILL FOR AN ACT to amend sections 77-2001, 77-2002, 77-2032, and 77-2106, Reissue Revised Statutes of Nebraska, 1943, sections 77-2003 and 77-2004, Revised Statutes Supplement, 1980, and sections 77-2102, Revised Statutes Supplement, 1981, relating to taxation; to change inheritance tax provisions as prescribed; to eliminate the tax on property passing to a surviving spouse; to delete obsolete language;

to provide operative dates; and to repeal the original sections, and also sections 77-2033, 77-2034, 77-2035, 77-2036, and 77-2106.03, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 1:

Higgins

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Beyer
Kilgarin
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 629.

A BILL FOR AN ACT to amend section 33-141, Reissue Revised Statutes of Nebraska, 1943, relating to legal notices; to provide for an increase in the legal rate; to provide a table for the purpose of calculating fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Chambers
Dworak
Johnson, V.
Landis
Pirsch
Stoney
Vickers

Excused and not voting, 2:

Beyer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Von Minden asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 629A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 629, Eighty-seventh Legislature, Second Session, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Apking
Barrett
Beutler
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 7:

Chambers
Dworak
Johnson, V.
Landis
Pirsch
Stoney
Vickers

Excused and not voting, 3:

Beyer
Marvel
Von Minden

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 115 to Select File

Mr. Hefner moved to return LB 115 to Select File for the following specific amendment:

"Strike the enacting clause"

Mr. Hefner asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 115.

A BILL FOR AN ACT to amend section 48-121, Revised Statutes Supplement, 1980, and section 48-122, Revised Statutes Supplement, 1981, relating to workmen's compensation; to increase compensation limits as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 19:

Beutler
Burrows
Carsten
Chambers
Cullan
Dworak
Fowler
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Vickers
Warner
Wesely

Voting in the negative, 27:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wiitala

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Beyer
Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 278.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1981, relating to taxation; to authorize a refund of certain sales taxes; to provide a penalty; to provide severability; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 35:

Apking
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Kahle
Labedz
Lamb
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Barrett
Beutler
Chambers
Dworak
Fowler
Johnson, V.
Kilgarin
Koch
Kremer
Newell
Vickers
Warner

Excused and not voting, 2:

Beyer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 590.

A BILL FOR AN ACT relating to courts; to amend sections 24-516 and 26-1,203, Reissue Revised Statutes of Nebraska, 1943, and section 26-106, Revised Statutes Supplement, 1981; to provide for the temporary assignment of a muncipal judge as prescribed; to change provisions relating to payment of certain judges; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mr. Beutler requested a roll call vote.

Voting in the affirmative, 20:

Burrows
Chambers
Cullan
DeCamp
Duda
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Pirsch
Vickers
Wesely
Wiitala

Voting in the negative, 26:

Apking
Barrett
Carsten
Chronister
Clark
Cope
Dworak
Fenger
Goll
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Beyer
Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 604. With Emergency.

A BILL FOR AN ACT to amend sections 81-173, 81-178, 81-180, 81-186, 81-189, 81-191, and 81-191.01, Revised Statutes Supplement, 1980, relating to building maintenance; to redefine terms; to change certain duties of the Task Force for Building Renewal; to change provisions relating to certain plans for building maintenance; to provide for continuation of the task force and certain sections; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Beyer
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 604A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 604, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Higgins

Excused and not voting, 2:

Beyer
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 609.

A BILL FOR AN ACT relating to retirement; to amend section 79-1522.01, Revised Statutes Supplement, 1981; to define a term; to change the annuity formula; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin

Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 2:

Beyer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 609A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 609, Eighty-seventh Legislature, Second Session, 1982.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Beyer
DeCamp
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 669. With Emergency.

A BILL FOR AN ACT relating to boundary lines between South Dakota, Iowa, Missouri, and Nebraska; to provide for the Nebraska Boundary Commission; to provide duties and powers; to provide when any compact shall become binding; to provide for termination; to terminate the existing commission; to repeal Laws 1959, Chapter 267; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 3:

Beyer
DeCamp
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 669A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 669, Eighty-Seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Marsh

Excused and not voting, 2:

Beyer
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 714.

A BILL FOR AN ACT to adopt the Foster Care Review Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell

Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 2:

Clark
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Beyer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 714A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 714, Eighty-seventh Legislature, Second Session, 1982.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 41:

Apking
Barrett
Burrows
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 4:

Carsten
Clark
Dworak
Warner

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Beyer
Higgins
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 764. Mr. Barrett asked unanimous consent to pass over LB 764. No objections. So ordered.

BILL ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 89.

A BILL FOR AN ACT to amend section 5-105, Revised Statutes Supplement, 1980, relating to judicial districts; to increase the number of judges as prescribed; and to repeal the original section.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Mr. Nichol requested a roll call vote.

Voting in the affirmative, 27:

Beutler
Carsten
Chambers
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Apking
Barrett
Burrows
Cope
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Peterson, R.
Schmit
Stoney
Von Minden
Warner

Present and not voting, 2:

Clark
Peterson, H.

Excused and not voting, 2:

Beyer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Withdraw Amendments to LB 89A

Mrs. Marsh asked unanimous consent to withdraw her pending amendments to LB 89A found in the Journal on pages 264 and 1775. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 89A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 89, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 26:

Beutler
Carsten
Chambers
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Newell
Nichol
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 18:

Apking
Barrett
Burrows
Cope
Goll
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Labedz
Lamb
Peterson, H.
Peterson, R.

Stoney	Von Minden	Warner

Present and not voting, 3:

Clark	Marsh	Schmit

Excused and not voting, 2:

Beyer	Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 242. Mr. Nichol asked unanimous consent to have LB 242 laid over. No objections. So ordered.

VISITORS

Visitors to the Chamber were 51 fourth grade students and teachers from Rose Hill, Omaha; 15 twelfth grade students and teacher from Davenport; 78 fourth grade students and teachers from Montclair Grade School, Millard; 23 tenth grade students and teacher from New Castle; 35 twelfth grade students and teacher from Sargent; 40 eleventh and twelfth grade students and teacher from North High, Omaha; Miss Robin Tryloff; former Senator Nelson Merz; 13 students and teacher from UNL; Mrs. Helfrie McBride, mother of Senator Pirsch; Mr. and Mrs. Kenneth Allerman, Senators Pirsch's sister and brother-in-law; 78 fourth grade students and teachers from Schyler; and 27 retirees from Goodyear in Lincoln.

RECESS

At 11:49 a.m., on a motion by Mr. Lamb, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Clark presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Mesdames Apking, Higgins, Labedz, Messrs. Beutler, Beyer, Fenger, Fowler, Haberman, L. Johnson, V. Johnson, Kremer, Schmit, Warner, Wesely, and Wiitala who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 966.

(Signed) Karen Kilgarin, Chairperson

MOTION - Approve Appointments

Mr. Cullan moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1414: Henry Barthuly, Patricia Kloster, Wilma Dobesh, and Ray Young.

Voting in the affirmative, 26:

Barrett
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Goll
Goodrich
Hefner
Hoagland
Kahle
Kilgarin
Landis
Marsh
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner
Wiitala

Voting in the negative, 0.

Present and not voting, 6:

Burrows
Clark
Dworak
Koch
Lamb
Remmers

Excused and not voting, 17:

Apking
Beutler
Beyer
Chambers
Fenger
Fowler
Haberman
Higgins
Johnson, L.
Johnson, V.
Kremer
Labedz
Marvel
Newell
Schmit
Warner
Wesely

The appointments were confirmed with 26 ayes, 0 nay, 6 present and not voting, and 17 excused and not voting.

Mr. Cullan moved the adoption of the report of the Public Health and Welfare Committee for the following Governor appointments found in the Journal on page 1452: Von A. Innes, Tim Lynch, Joe Rogers, Robert Rohde, Rod Tompkins, and Martin Huff.

Voting in the affirmative, 27:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Goll
Haberman
Hefner
Hoagland
Kahle
Kilgarin
Koch
Landis
Marsh
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 0.

Present and not voting, 6:

Burrows
Dworak
Goodrich
Lamb
Peterson, R.
Wiitala

Excused and not voting, 16:

Apking
Beutler
Beyer
Chambers
Fenger
Fowler
Higgins
Johnson, L.
Johnson, V.
Kremer
Labedz
Marvel
Newell
Schmit
Warner
Wesely

The appointments were confirmed with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor Appointment found in the Journal on page 1557: William Fitzgerald.

Voting in the affirmative, 27:

Barrett
Burrows
Carsten
Chronister
Clark
Cope
Cullan
Duda
Goll
Haberman
Hefner
Hoagland
Kahle
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Sieck
Stoney
Von Minden
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 8:

DeCamp
Dworak
Goodrich
Koch
Lamb
Pirsch
Vickers
Wagner

Excused and not voting, 14:

Apking
Beutler
Beyer
Chambers
Fenger
Fowler
Higgins
Johnson, L.
Johnson, V.
Kremer
Labedz
Marvel
Schmit
Warner

The appointment was confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Koch moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 1606: Don Cattle, Lorraine Giles, Dr. Kenneth Kimball, E. L. Laird, John J. Peterson, Ken Sieckmeyer, and Jack Buist.

Voting in the affirmative, 27:

Barrett
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Haberman
Hefner
Hoagland
Kahle
Kilgarin
Koch
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 8:

Burrows
Dworak
Goll
Goodrich
Lamb
Vickers
Von Minden
Wagner

Excused and not voting, 14:

Apking
Beutler
Beyer
Chambers
Fenger
Fowler
Higgins
Johnson, L.
Johnson, V.
Kremer
Labedz
Marvel
Schmit
Warner

The appointment was confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 212. Read. Considered.

Messrs. DeCamp, Hoagland, Fowler, Koch, Kremer, Wiitala, Landis, and Miss Kilgarin offered the following amendment:

Strike original language and replace it with:

WHEREAS, the Natural Gas Policy Act of 1978 calls for the gradual deregulation of most natural gas wellhead prices by 1985; and

WHEREAS, the Federal Energy Regulatory Commission has discussed raising allowable prices for old flowing (NGPA Section 104) natural gas administratively; and

WHEREAS, the changes, which are being discussed by the FERC, could affect the price of a substantial quantity of Nebraska's natural gas supply; and

WHEREAS, approximately seventy-five percent of the residential structures in Nebraska are heated with natural gas and the average cost of natural gas to each residential user could increase substantially if prices were raised in this manner; and

WHEREAS, agriculture, commercial, and industrial users in Nebraska could also incur substantially increased costs if prices are increased administratively; and

WHEREAS, increased natural gas costs for agriculture, commerce, and industry in Nebraska will result in higher consumer prices for all commodities; and

WHEREAS, such price increases could further damage an already frail Nebraska economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature supports the gradual decontrol of natural gas prices as outlined in the Natural Gas Policy Act of 1978.
2. That the Legislature opposes the raising of the allowable wellhead price of old flowing gas administratively by the Federal Energy Regulatory Commission.
3. That the Legislature urgently requests the Nebraska Attorney General to initiate and/or intervene on litigation to prevent the acceleration of deregulation of natural gas by the FERC, pursue such litigation to the fullest, and report on the progress of such litigation to the Legislature and the Executive Board of the Legislative Council.
4. That the Clerk of the Legislature send copies of this resolution to the President of the United States, the Nebraska congressional delegation, and Speaker of the United States Senate.

The amendment was adopted with 26 ayes, 0 nays, and 23 not voting.

Mr. Burrows offered the following amendment:

1. On page 511 of the Journal, strike the first resolved.
2. Renumber remaining resolveds accordingly.

The amendment lost with 3 ayes, 16 nays, and 30 not voting.

LR 212 was adopted with 25 ayes, 0 nays, and 24 not voting.

Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE RESOLUTION 244. Read. Considered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Newell requested a roll vote on the adoption of LR 244.

Voting in the affirmative, 16:

Apking
Chambers
Clark
DeCamp
Dworak
Haberman
Hefner
Johnson, L.
Kahle
Koch
Kremer
Marsh
Nichol
Peterson, H.
Remmers
Sieck

Voting in the negative, 12:

Carsten
Cope
Goodrich
Hoagland
Johnson, V.
Landis
Peterson, R.
Pirsch
Stoney
Vickers
Von Minden
Warner

Present and not voting, 11:

Barrett
Burrows
Chronister
Duda
Goll
Kilgarin
Newell
Rumery
Wagner
Wesely
Wiitala

Excused and not voting, 9:

Beutler
Beyer
Cullan
Fenger
Fowler
Higgins
Labedz
Marvel
Schmit

Absent and not voting, 1:

Lamb

LR 244 failed with 16 ayes, 12 nays, 11 present and not voting, 9 excused and not voting, and 1 absent and not voting.

The Chair declared the Call raised.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 688, 708, 753, 757, 835, 854, 854A, 909, 568, 480, 629, 629A, 278, 604, 604A, 609, 609A, 669, 669A, 714, 714A, 89, and 966.

MR. CLARK PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 266. Read Considered.

Mr. Koch moved for a Call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Koch requested a roll call vote on the adoption of LR 266.

Voting in the affirmative, 26:

Barrett
Burrows
Carsten
Chambers
Chronister
DeCamp
Duda
Dworak
Goll
Goodrich
Haberman
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Newell
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Clark
Cope
Hefner
Johnson, L.
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden

Present and not voting, 1:

Kremer

Excused and not voting, 8:

Beutler
Beyer
Cullan
Fenger
Fowler
Higgins
Labedz
Marvel

Absent and not voting, 2:

Apking
Warner

LR 266 was adopted with 26 ayes, 12 nays, 1 present and not voting, 8 excused and not voting, and 2 absent and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 267. Mr. DeCamp asked unanimous consent to pass over. No objections. So ordered.

MOTION - Suspend Rules

Mr. Haberman moved to suspend the rules and vote on all the resolutions at one time except LR 267.

The motion lost with 7 ayes, 15 nays, 19 present and not voting, and 8 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 268. Read. Considered.

LR 268 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 269. Read. Considered.

Mr. Landis asked unanimous consent to have his name added as co-introducer to LR 269. No objections. So ordered.

LR 269 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 270. Read. Considered.

Mr. Newell requested a roll call vote on the adoption of LR 270.

Voting in the affirmative, 21:

Apking
Barrett
Burrows
Carsten
Chambers
Duda
Dworak
Goodrich
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 17:

Chronister Haberman Nichol Schmit Warner
Clark Johnson, L. Peterson, H. Stoney
Cope Kremer, Remmers Von Minden
DeCamp Lamb Rumery Wagner

Present and not voting, 3:

Goll Hefner Peterson, R.

Excused and not voting, 8:

Beutler Cullan Fowler Labedz
Beyer Fenger Higgins Marvel

LR 270 failed with 21 ayes, 17 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the Call raised.

LEGISLATIVE RESOLUTION 271. Miss Kilgarin asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE RESOLUTION 272. Read. Considered.

LR 272 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 274. Read. Considered.

LR 274 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 277. Read. Considered.

LR 277 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 278. Read. Considered.

LR 278 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 279. Mr. Wesely asked unanimous consent to pass over. No objections. So ordered.

MOTION- Suspend Rules

Mr. DeCamp moved to suspend the rules and adopt the balance of the resolutions.

The motion lost with 26 ayes, 8 nays, 7 present and not voting, and 8 excused and not voting.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 281. Read. Considered.

LR 281 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 287. Read. Considered.

LR 287 was adopted with 26 ayes, 0 nays, and 23 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1982, at 2:50 p.m., were the following bills: 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee is having a meeting in room 1003 Thursday, April 15, 1982 at 4:00 p.m. and Friday, April 16, 1982 (if necessary) at 8:30 a.m. for consideration of Governor's line-item vetoes.

MESSAGE FROM THE GOVERNOR

April 14, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 753 and 757 were received in my office April 14, 1982.

These bill were signed by me on April 14, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

RESOLUTIONS

LEGISLATIVE RESOLUTION 385.

Introduced by Kilgarin, 7th District; and Newell, 13th District.

WHEREAS, Jim Hartung was selected as the 1982 recipient of the Nissen Award, the highest honor in the field of college gymnastics, and has earned seven NCAA individual titles, tying an NCAA record; and

WHEREAS, Steve Elliot won the 1982 NCAA gymnastics floor exercise championship, and has won five consecutive national tumbling championships; and,

WHEREAS, Jim Hartung, Steve Elliott and members of the University of Nebraska Gymnastics Team have won a record-tying fourth consecutive NCAA gymnastic championship title for the Unversity of Nebraka; and,

WHEREAS, Jim Hartung, Steve Elliot, and the members and coaches of the 1982 University of Nebraska Gymnastics Team have given each and every Nebraskan a sense of pride in their accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That recognition of the accomplishments of Jim Hartung, Steve Elliot and members and coaches of the Nebraska Gymnastics Team during the past season is acknowledged.
2. That the University of Nebraska Gymnastics Team for 1982 will be recognized for the contribution those accomplishments have made to the Nebraska traditions of sportsmanship and achievement.
3. That a copy of this resolution be presented to the Athletic Director, Coach Allen, Jim Hartung and Steve Elliot.

Laid over.

LEGISLATIVE RESOLUTION 292. Read. Considered.

LR 292 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 293. Read. Considered.

LR 293 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 295. Read. Considered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LR 295. No objections. So ordered.

LR 295 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 298. Read. Considered.

Mr. Kremer asked unanimous consent to have all the senators names added as co-introducers to LR 298. No objections. So ordered.

LR 298 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 304. Read. Considered.

LR 304 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 313. Read. Considered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LR 313. No objections. So ordered.

LR 313 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 316. Read. Considered.

LR 316 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 331. Read. Considered.

LR 331 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 359. Read. Considered.

LR 359 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 380. Read. Considered.

LR 380 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 381. Mr. Barrett asked unanimous consent to pass over. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 14, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Educational Television Commission, requiring legislative confirmation:

> Linda R. Walker, 718 Hackberry Road, Omaha 68132, term expiring January 9, 1983, succeeding Gayle Stock, resigned.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mpb
cc: Linda R. Walker
Accountability and Disclosure Commission
Educational Television Commission

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wagner asked unanimous consent to have his name added as co-introducer to LR 295. No objections. So ordered.

MOTION - Suspend Rules

Mr. Chambers moved to suspend appropriate rule and reconsider LB 413 on Final Reading.

Laid over.

RESOLUTION

LEGISLATIVE RESOLUTION 386.

Introduced by Hoagland, 6th District.

WHEREAS, The right to emigrate freely and to be reunited with their families is being denied Soviet Jews and others; a right affirmed by the Soviet Constitution, the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations, The Helsinki Final Act and other accords and/or treaties; and

WHEREAS, Ida Nudel was arrested by Soviet authorities four years ago for "anti-Soviet behavior", to wit, the posting of a sign in the window of her Moscow apartment requesting that she be permitted to emigrate to Israel — and was subsequently sentenced to four years of exile in Siberia; and

WHEREAS, Ida Nudel has served her last winter of Siberian exile and is due to be released by Soviet authorities on March twenty-fifth, nineteen hundred eighty-two; and

WHEREAS, Ida Nudel had, prior to her exile to Siberia, lived in Moscow under tremendous hardship, having been repeatedly arrested and imprisoned for weeks at a time; and

WHEREAS, Ida Nudel has endured years of Soviet persecution, harassment and imprisonment simply because of her desire to practice her own religion while living in the country of her choice; and

WHEREAS, Ida Nudel, while incarcerated within the Soviet Union, has selflessly dedicated herself to working on behalf of others who are also "imprisoned" within the Soviet Union by a government which is committed to continuing its persecution of its Jewish citizens and denying them basic rights and privileges accorded other persons practicing recognized religions within the Soviet Union; and

WHEREAS, Ida Nudel has been a "Guardian Angel of Prisoners of Conscience" — traveling extensively within the Soviet Union from prison to prison to let other prisoners of conscience know "they have not been forgotten", and has recently been recognized world-wide for her efforts as nominee for the Nobel Peach Prize; and

WHEREAS, The Soviet Union's continuing persecution of its Jewish citizens and denial of those rights and privileges accorded other recognized religions in the Soviet Union will not succeed in isolating Soviet Jews from their friends in the world so long as those, like Ida Nudel, who hold liberty and freedom as the highest ideal, continue to speak out on behalf of the beleaguered and oppressed Soviet Jews seeking to emigrate; and

WHEREAS, The members of this Legislative Body call upon the government of the Soviet Union, as a signatory to The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations and the Helsinki Final Act, to permit Ida Nudel to emigrate to Israel and join her family - family she has not seen since nineteen hundred seventy-two - upon her release from Siberian exile; now, therefore, be it

RESOLVED, That this Legislature of the State of Nebraska, which holds justice, freedom and liberty as the highest ideals, urges the Soviet Union to cease all harassment of and pressure on Jews who express the wish to emigrate to Israel and unite with their families and their people in Israel, and The Legislature of the State of Nebraska further urges the Soviet Union to permit Ida Nudel the right to depart for Israel - a basic human right inherent in the Soviet Constitution - upon her release from Siberian exile; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to Oleg Troyanorski, Ambassador Soviet Mission to the United Nations, 136 East 67th Street, New York, New York 10021; Aleksandr Chikvadze, Consul General, Consulate of the USSR, 2970 Green Street, San Francisco, CA. 94133; Anatoly Dobrynin, Ambassador, Embassy of the USSR, 1125 16th Street, N.W. Washington, D.C. 20036; Leonid Brezhnev, Secretary General of the Communist Party, The Kremlin, USFSR, USSR, and to Ida Nudel.

Laid over.

REPORT OF EXECUTIVE BOARD

Any extraordinary expenses associated with conducting of these Interim Studies shall require prior authorization of the Executive Board.

STANDING COMMITTEES:

Administrative Rules and Regulations:

1. LR 248 - feasibility of employing an independent hearing examiners system for Nebraska state agencies.

Agriculture and Environment:

1. LR 367 - give guidance to Ag Com. in interim activities when dealing with issues of crucial importance to agriculture in Nebraska.
2. LR 368 - protection of owners of grain stored in public storage facilities.
3. LR 307 and 369 combined - issue of nuclear waste transportation from Cooper Nuclear Station (307), and review of matters leading to and possibly supporting introduction in next session of legislation authorizing NE to enter into compact with midwest region states relative to low level radioactive waste disposal facility (369).
4. LR 322 - possibility of allowing Governor or appropriate state agency director to declare an emergency and allow higher load limits for trucks transporting crops to processing plants.

Appropriations:

1. LR 332 - funding of Community-based Mental Retardation Services.
2. LR 349 through LR 357 combined - the impact of federal tax and spending measures on the state and its subdivisions.
3. LR 364 & LR 376 combined - the funding of higher education.

Banking, Commerce and Insurance:

1. LR 318, LR 273, LR 340 - flow of major money sources (318); limitations on interest rates (273); banks engaging in real estate brokerage (340).
2. LR 319, LR 338, LR 371 combined - free market system (319); issuance of tax exempt bonds (338); investment of money in pension funds (371).
3. LR 320, LR 374, LR 375 combined - review of adequacy of state's insurance laws (320); containment of rising health care costs (374 and 375).
4. LR 325 - study of LR 218, repeal of Federal Reserve Act and restore gold standard.

Business and Labor:

1. LR 312 - examine current issues concerning NE Unemployment Insurance Law.
2. LR 310 - Examine current issues concerning NE Workmen's Compensation Law.
3. LR 311 - Examine current issues concerning resolution of public employment disputes in the NE Commission of Industrial Relations.
4. LR 373 - study NE Commission on Status of Women to acquire deeper understanding of demographics of Nebraska.

Constitutional Revision and Recreation:

1. LR 294 - Appointment of Public Service Commissioners.
2. LR 289 - study of minimum qualification for elected government office holders in NE.
3. LR 297 - Wrongful births legal action.

Education:

1. LR 333 & LR 283 combined - study philosophy and intent related to role and mission for NE Common Schools (333); issue of education programs for prekindergarten children (283).
2. LR 241 - financial assistance to students attending institutions of higher education.
3. LR 286 - method used for determining in lieu of tax money payments on school lands.
4. LR 282 - issues regarding NE Teachers' Professional Act.

Government:

1. LR 300 - impact on government subdivisions of tax exempt school lands located within their jurisdiction.
2. LR 301 - Study of LB 624 concerning use, access, and disclosure of information within the control of state government.
3. LR 317 - review of statutes and policies pertaining to funding mechanisms as possible financial alternatives to funding of three legal service organizations in NE by federal Legal Services Corporation.
4. LR 329 - Management, supervision and utilization of personnel and vehicles of Dept. of Roads and operation of the Trans. Service Bureau in its purchase of fuel and utilization of vehicles.

Judiciary:

1. LR 361 & LR 324 - deal with putting prisoners to work to defray cost of prison system.
2. LR 342 & LR 285 - deal with evaluating Crime Victim's Reparations Board.
3. LR 345 - regarding civil procedure.
4. LR 344 - involving criminal procedure.

Miscellaneous Subjects:

1. LR 263 & LR 223 combined - current issues and concerns within liquor control in NE (263); retail purchase of alcoholic beverages on credit (223).
2. LR 370 - examine financial and tax problems confronting horse racing industry.
3. LR 265 - examine issues or potential problems in NE bingo laws and how state lotteries and gambling laws relate thereto.
4. LR 264 & LR 303 combined - review NE Political Accountability and Disclosure Act (264); Study of methods of financing political campaigns in NE and alternatives to those methods (303).
5. LR 284 - issues in LB 638 which proposed a NE Library Services Act.

Public Health and Welfare:

1. LR 336 and LR 305 combined - regulations of various health care professions and occupations (336); adequacy and constitutional provisions of current Dental Practice Act (305).
2. LR 337 - costs and benefits of medical and hospital care in NE.
3. LR 296 - investigate policies, etc. of Dept. of Welfare in its actions as guardian of children.

Public Works:

1. LR 275, LR 328, LR 330, LR 334 combined - study of ongoing State Water Planning and Review Process (275); findings and recommendations of studies completed to date in State Water Planning and Review Process (328); discovery and development

of NE's geothermal resources (330); alternatives for funding water projects (334).

2. LR 235 - voting structure of Public Power systems in NE.
3. LR 358, LR 366, LR 378 combined - methods of involving interested Nebraskans and members of Legislature in development of solutions to our energy problem (358); feasibility of providing authority for NE Public Service Comm. to regulate natural gas rates and service (366); problems associated with small power producers and cogenerators and their integration into NEs electrical grid system (378).
4. LR 362, LR 363 combined - establishment of uniform licensing, taxes and weight/size restrictions for all highway freight carrying vehicles (362); effects of longer, heavier trucks, including overweight and triple trailer trucks on safety, road damage, fuel efficiency (363).
5. LR 365 - feasibility of developing waste rubber processing plant in NE.
6. LR 302 - Study of vehicle mounted systems to deter drunk driving.

Revenue:

1. LR 314 - methods of increasing state aid and revenue sharing to local governments for purpose of providing property tax relief.
2. LR 315 - feasibility and desirability of dedicating receipts from state sales and use tax for state aid and revenue sharing programs.
3. LR 253 - impact on tax base of political subdivisions when private property is removed from tax rolls.
4. LR 339 - study of potential tax incentives to increase jobs in the state.
5. LR 347 - examine the need for various tax exemptions and tax expenditures in NE.

Urban Affairs:

1. LR 290 - conflict of interest.
2. LR 288 - municipal classification.
3. LR 360 - SID services.

SELECT COMMITTEES

Legislative Rules:

1. LR 346 and LR 372 (equal priority) - public involvement in legislative process (346); legislative rules, including use of time, priority bills process, germaneness, interim studies, etc. (372)

SPECIAL COMMITTEES

Executive Board:

1. LR 379 - examining functioning of the Municipal Power pool and the Municipal Energy Agency of Nebraska.

2. LR 326 - study of Air Force plans for MX deployment, etc.
3. LR 377 - study possibility of establishing a research liaison with UN to supplement research capabilities of legislative staff.

Nebraska Retirement Systems:

1. LR 335 - various aspects of retirement plans for public employees of state and subdivisions.
2. LR 348 - level of unfunded liabilities for various pension plans for municipal employees in Nebraska cities.

Telecommunications:

1. LR 291 - effects deregulation of the phone companies has on the citizens, state and phone companies.

MOTION - Reconsider Action on LB 115

Mr. Wiitala moved to reconsider LB 115 on Final Reading.

Laid over.

MOTION - Reconsider Action on LB 590

Mr. Beutler moved to reconsider the Final Reading vote on LB 590.

Laid over.

VISITORS

Visitors to the Chamber were Bob Williamson from Dawson; 32 fourth grade students and teachers from Prescott School, Lincoln; 3 eighth graders and sponsors from Columbus; and Miss Rodeo Nebraska, Ginger ten Bensel from Cambridge.

ADJOURNMENT

At 4:00 p.m., on a motion by Mr. Lamb, the Legislature adjourned until 9:00 a.m., Friday, April 16, 1982.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 16, 1982

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 16, 1982

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mr. Lamb presiding.

PRAYER

The prayer was offered by Rev. James Cooke, Fourth Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Chambers, Koch, and Kremer who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1945, line 31, correct spelling of "Peace".
The Journal for the Fifty-Ninth Day was approved as corrected.

MESSAGES FROM THE GOVERNOR

April 14, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 754 with my specific line-item reductions and with my signature.

As a result of my request to state agencies to make additional reductions to their budgets, I am able to report to you voluntary reductions in this year's general fund appropriations of $403,521. I must, therefore, modify the current proposed appropriations contained in LB 754 reducing them as follows: Parole Board, $2,000; Fire Marshal, $4,500; Motor Vehicles, $302,000; Military Department, $37,521; Game and Parks, $45,000; Workmens Compensation Court, $2,500; and DAS - Budget Office, $10,000.

The actions I have taken, in agreement with the agencies listed, will have the effect of providing sufficient funds for the agencies involved in carrying out their normal duties for the remainder of this fiscal year. It will also provide us with additional assistance while we manage the cash flow of our state through these uncertain economic times.

May I commend those agencies that came forward with these voluntary reductions in the spirit of helping all Nebraskans. I urge your support of LB 754, as reduced.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:sfb

April 14, 1982

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning herewith LB 761 with my line item reductions and with my signature.

There can be little doubt that this budget has received the most careful and detailed review of any budget in the history of Nebraska. The difficult economic times and declining state revenues demand that every possible action to hold down state spending be considered.

When the initial analysis was begun on this budget back in November and December the projected revenues from the existing tax rates of 15% on income tax and 3% sales tax was $718 million plus an estimated July 1, 1982 unobligated balance of 25.8 for a total of $743.8 million. Current estimates would put that figure at $638.4 million or a drop of over $107 million. Even with the proposed increase of 2% on the income tax and 1/2% on the sales tax, we will still be short of the original projection by $5.9 million.

For this reason and in keeping with the philosophy that all possible efforts must be made to reduce the budget before considering increasing taxes, I believe it to be my obligation to make even further reductions to an already tight budget passed by you just last week.

As you know, late last week I called on each agency in state government to cooperate with my Budget Office in identifying any possible further savings. I am pleased and proud to report that 24 agencies have responded with reductions of over $605,000. Those agencies and the corresponding reductions are as follows: Governor, $2,409; Attorney General, $10,000; Administrative Services, $48,500; Court of Industrial Relations, $6,383; Postsecondary Education Coordinating Commission, $1,372; Water Resources, $15,092; Game and Parks, $25,000; Natural Resources Commission, $22,750; Environmental Control, $26,132; Aeronautics, $2,894; Roads, $10,000; State Patrol, $10,000; Personnel, $8,600; Education, $22,664; Revenue, $37,079; Equal Opportunity Commission, $3,000; Policy Research Office, $29,122; Health Department, $24,850; Public Institutions, $21,650; Economic Development, $100,000; Supreme Court, $3,636; Military, $150,000; Liquor Commission, $17,500; and Energy Office, $6,926.

With the reductions made in the deficit bill the total of voluntary savings exceeds $1,000,000 in general funds.

In addition the following cash funded agencies have suggested the following reductions: Gasohol Commission, $20,175; Aeronautics, $14,400; Banking, $9,023; Insurance, $64,827; and Real Estate Commission, $12,030.

The amount for Program 108 — Homestead Exemption has been reduced by $997,815 to $29,300,000 which is the amount estimated to be expended this year. Low turnover in housing markets reduce expectations of growth in this program. Further, audits of counties in this heretofore unaudited program have been initiated by the Department of Revenue. Subject to this review, counties will report in November as to actual homestead totals for reimbursement.

I have reduced the appropriation for Community Mental Retardation by $175,839. This will allow for an appropriation for this program of $15,337,129, an increase of $176,871 over my original recommendation. Some disparities do exist between the funding levels for the various regions. The appropriation, if my veto is sustained, will continue the effort to equalize that funding.

In a time of declining federal funds, maximum administrative flexibility should be preserved. Therefore, while I am leaving the total appropriation of Title XX funds unchanged, I have eliminated the earmarking restrictions on those funds contained in LB 761.

The $200,000 earmarked for the Disabled Persons and Family Support Program has received by line item veto, but the total amount available for Public Assistance has not been reduced. These funds were to be used to begin a new program which does not seem to be advisable at a time when existing services are facing demands that could exceed available resources. This is not the year to begin new programs.

Other general fund line item reductions are: Department of Welfare, $35,000; State Claims Board, $52,500; Department of Health, $76,150; Public Service Commission, $2,155; Department of Roads, $72,316; Historical Society, $9,306; Educational Television, $22,386; and Department of Education, $40,000.

I have given careful attention to the recommendations of your thoughtful Appropriations Committee Chairman regarding the time for instating state employee wage increases: October 1 or January 1. I am particularly proud of our loyal, hard-working employees. They are not unconcerned with our fiscal problems and are concerned with their fellow Nebraskans, many of whom are experiencing financial problems in their homes, businesses and farms. The counsel given you on March 10th, aggrevated by further revenue declines, remains sound. Sound management and sound policy demands we postpone wage increases until January 1, 1983. This action will permit a savings of $3,767,501.

In total these reductions represent a savings of $6,272,048 in an admittedly tight budget. The taxpayers of Nebraska are demanding that their state government exercise restraint during these difficult times and I believe that this budget exhibits that restraint.

Based on current projections the appropriation to the Department of Roads Operation Cash Fund has been revised to $110,364,000. This will allow the Department of Roads to continue their existing construction program without requiring an increase in the gasoline tax.

Let me take this opportunity to thank you for your efforts thus far and encourage your careful consideration of this proposal.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:1bb

Summary of Line-Item Reductions

A. Reductions Suggested by Agencies as a Result of the April 9th Meeting.

General Fund — LB 761

1.	Governor	$2,409	Operations
2.	Attorney General	10,000	Border Dispute
3.	Administrative Services		
	Budget Division	2,500	Operations
	Accounting	15,000	Operations
	Building Division	31,000	Capitol Commemorative Fund
4.	Court of Industrial Relations	6,383	Operations
5.	Postsecondary Education Coordinating Com	1,372	Operations
6.	Water Resources	15,092	Streamgauging
7.	Game and Parks	25,000	Operations
8.	Natural Resources Commission	22,750	Small Watershed Funds
9.	Environmental Control	26,132	Operations
10.	Aeronautics	2,894	Civil Air Patrol
11.	Roads	10,000	Rail Planning Funds
12.	State Patrol	10,000	Operations
13.	Personnel	8,600	Operations
14.	Education	22,664	Instructional Television
15.	Revenue	37,079	Operations
16.	Equal Opportunity Commission	3,000	Operations
17.	Policy Research Office	29,122	Use of Federal Funds
18.	Health Department	24,850	Operations
19.	Public Institutions	21,650	Operations
20.	Economic Development	100,000	Operations
21.	Supreme Court	3,636	Operations
22.	Military	150,000	Emergency Fund
23.	Liquor Commission	17,500	Operations
24.	Energy Office	6,926	Operations
	TOTAL	$605,559	

General Fund — LB 754

1.	Parole Board	$2,000	Operations
2.	Fire Marshal	4,500	Operations
3.	Motor Vehicles	130,000	Operations
		150,000	License Plates
		22,000	Highway Safety
4.	Military	37,521	Emergency Fund
5.	Game and Parks	45,000	Operations
6.	Workmens Compensation	2,500	Operations
7.	Administrative Services-Budget Division	10,000	Operations
	TOTAL	$403,521	

Cash Fund — LB 761

1.	Gasohol Commission	$20,175	- Operations
2.	Aeronautics	14,400	- Operations
3.	Banking	9,023	- Operations
4.	Insurance	64,827	- Operations
5.	Real Estate Commission	12,030	- Operations
	TOTAL	$120,455	

B. Other Reductions

General Fund

1.	Educational Lands & Funds	$12,000	- Purchase of New Truck
2.	Claims Board	52,500	- Operations and Insurance Fund
3.	Health Department	76,150	- Operations
4.	Public Service Commission	2,155	- Operations
5.	Roads	72,316	- Administration of Mass Transit
6.	Historical Society	9,306	- Cabinet Maker
7.	ETV	22,386	- Equipment Increase
8.	Revenue	997,815	- Homestead Reduction
9.	Education	40,000	- Hotline for Handicapped
10.	Public Institutions	175,839	- Mental Retardation
11.	Welfare	35,000	- Administration
12.	Postpone employee salary increase until January 1, 1983	3,767,501	- Salaries
	TOTAL	$5,262,968	

Cash Fund
(Earmark)

1.	Roads	$3,538,858	- Maintain Gas Tax at Current Level

C. Changes in Intent Language/Earmarks.

1. Welfare - Title XX Allocation to Mental Retardation
2. Welfare - County Administration Earmark
3. Welfare - Disabled Persons Family Support Program

SUMMARY OF REDUCTIONS
(General Fund)

Voluntary (FY 83)	$605,559
Voluntary (FY 82)	403,521
Total Voluntary	$1,009,080

TOTAL REDUCTIONS

(FY 83) - LB 761 — Voluntary	$605,559
Other	$5,262,968
Subtotal (FY 83)	$5,868,527
(FY 82) - LB 754 — Voluntary	$403,521
Subtotal (FY 82)	$403,521
TOTAL REDUCTIONS (Both years)	$6,272,048

ATTORNEY GENERAL'S OPINIONS

Opinion No. 247

April 14, 1982

Dear Senator Vickers:

In your letter regarding LB 953 you ask if the lack of a provision in the bill which would prohibit the use of beef check-off funds for the purpose of influencing legislation would deprive cattlemen of their freedom of expression and/or speech contrary to the state or federal constitutions.

At the outset we note that in previous years the Legislature has created the Soybean Development, Ag Products Marketing, and the Grain Sorghum Resources Acts, and that subparagraphs 10 of sections 2-3311, 2-3622, and 2-4011, respectively, contain a proviso that prohibits all funds collected from being used to influence legislation. LB 953, a Beef Industry Development Act, is patterned after the three Acts referred to above except that LB 953 is silent with regard to the use of funds for the purpose of influencing legislation, leaving the possible interpretation that the fees collected by the Beef Board could be used for lobbying purposes.

In past inquiries concerning the use of such funds for lobbying purposes we have pointed out that fees such as those which would be collected by the Beef Board are collected under the Legislature's power to tax and, consequently, are public monies.

With regard to the use of such monies as would be raised by the provisions of LB 953, our Supreme Court noted in State ex rel. School District of Scottsbluff v. Ellis, 168 Neb. 166, 95 N.W.2d 538 (1959):

> It is . . . Fundamental that the power to tax and the power to provide for the disposition of taxes raised are identical and inseparable, and the Legislature is clothed with full power and control over the disposition of revenues derived from taxation,

> including those raised by political subdivisions of the state under authority of the state, subject only to constitutional restrictions.

With regard to your constitutional question we would first note that there is no specific provision in either the federal or state constitutions dealing with the question of whether it is proper to expend public revenue for the purpose of influencing legislation. Consequently, we believe the question presented must be analyzed from the perspective of whether or not the expenditure of public monies to influence legislation would constitute a public purpose. Our Supreme Court has recognized that the use of public funds must be directed toward a public, as opposed to a private use. Chase v. County of Douglas, 195 Neb. 838, 241 N.W.2d 334 (1976). In this area, it is difficult to define any specific formula for determining what is or is not a public purpose.

> " 'No hard and fast rule can be laid down, for in determining whether a proposed expenditure of public funds is valid as devoted to a "public use or purpose" each case must be decided with reference to the object sought to be accomplished and to the degree and manner in which that object affects the public welfare.' "

It is equally difficult to determine what types of attempts to influence the legislation might constitute a private, as opposed to a public purpose. For example, if a member of the Beef Industry Development Board, who is paid with public funds, testified before the Legislature in support of a bill which would promote the beef industry in our state, a public purpose would appear to be present. On the other hand, the expenditure of such funds under the Beef Development Act to hire a lobbyist may present a closer case, depending, for instance, on how the lobbyist's duties are defined.

As the court noted in Chase v. County of Douglas, supra, it is for the Legislature in the first instance to decide what is or is not a public purpose. And the problem with regard to the provisions of LB 953 is that the legislation is silent on the question of whether or not monies can be expended for influencing legislation.

You have also asked if a provision allowing individuals to object to the use of check-off funds for lobbying purposes ameliorate any constitutional difficulties considering the decision in Abood v. Detroit, 431 U.S. 209.

We have examined the Abood decision and conclude that it has no application to situations such as are presented by LB 953.

Abood dealt with the use of union dues for purposes unrelated to collective bargaining, i.e., support of political candidates and the expression of political views. In arriving at its conclusion, the

Supreme Court considered the affect of federal legislation such as the National Labor Relations Act, and the Railway Labor Act. We do not see any application of rules for the expenditure of union dues under the provisions of federal labor legislation to the expenditure of monies collected under the Legislature's power to tax.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ekj
cc: Mr. Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 248
April 14, 1982

Dear Senator Lamb:

We are responding to your letter in which you request our opinion regarding the constitutionality of LB 401. Specifically you inquire whether a provision excluding incorporated cities and villages from a ground water control area is constitutional, and further, whether it is constitutional to exclude persons who reside in incorporated cities or villages from voting on the establishment of a control area. With regard to these questions you draw our attention to Ball v. James, _U.S._, 68 L.Ed.2d 150, 101 S.Ct._ (April 29, 1981).

In Ball v. James, supra, the United States Supreme Court held that the voting scheme limiting election of water reclamation district directors to landowners, and apportioning voting power by the amount of land owned by each voter, did not violate the Fourteenth Amendment Equal Protection Clause of the United States Constitution. The court stated the question to be: "whether the purpose of the District is sufficiently specialized and narrow and whether its activities bear on landowners so disproportionately as to distinguish the District from those public entities whose more general governmental functions demand application of the Reynolds principle [one man — one vote]." Ball v. James, supra, 68 L.Ed.2d at 158. In that case non-landowning registered voters living within the geographic boundaries of the district brought suit alleging violation of the Equal Protection Clause of the Fourteenth Amendment by depravation of their right to vote. The court concluded that the functions of the district were so specialized that it did not exercise general governmental powers or perform such important governmental functions that all the citizens residing in the district were affected.

The question with regard to LB 401 appears to be whether land within incorporated cities and villages and the residents residing in those cities and villages may be excluded from a ground water control area.

The purpose of a ground water control area is stated in Neb.Rev.Stat. §46-656 (Supp. 1981): "To provide for an orderly management system, particularly in areas where available data, evidence, or other information indicates that present or potential ground water conditions require the designation of control areas with special regulation of future development and use, . . ."

A ground water control area may be designated by the Director of the Department of Water Resources pursuant to Neb.Rev.Stat. §46-658 (Supp. 1981) if he finds that the development and utilization of the ground water supply is caused or is likely to cause within the reasonably foreseeable future, the existence of an inadequate ground water supply to meet present or reasonably foreseeable needs for beneficial use of such water supply, or the dewatering of an aquifer resulting in the deterioration of the quality of such ground water; or if he finds that pollution of ground water has occurred or is likely to occur in the reasonably foreseeable future. The director is required to consider whether conflicts between ground water users are occurring or may reasonably be anticipated to occur in the future.

The controls which may be adopted by a Natural Resources District in which a control area has been designated include restrictive well spacing requirements, requirement of rotation for use of ground water, allocation of withdrawal of ground water, installation of flow measuring devices upon ground water wells, irrigation scheduling, and a moratorium of one year upon the drilling of new wells. (Neb.Rev.Stat. §46-666 (Supp. 1981)). A district in which a control area is designated, is permitted to levy a tax upon the taxable property within the portion of the district encompassed by such control area pursuant to Neb.Rev.Stat. §46-673 (Supp. 1981).

It is evident from the purpose, necessary prerequisites for creation, and powers of an NRD relating to a control area that the creation of such a control area has a disproportionately greater effect upon agrarian landowners using water for their agricultural business than upon the urban dwellers. In Holt Civic Club V. City of Tuscaloosa, 439 U.S. 60 (1978), the Supreme Court held that a governmental unit restricting the right to participate in its political processes to those who reside within its borders may legitimately enact regulations which affect persons and property outside of its geographical boundaries. In that case the City of Tuscaloosa, Alabama had enacted ordinances applying to persons and property residing within up to three miles of the city's corporate limits without giving the persons residing in that territory the right to vote in its municipal elections. Upon challenge by persons residing within the three mile police protection of the city's limits, the Supreme Court held that these persons were not being denied the right to due process of law.

It is our conclusion that the exclusion of cities and villages from the boundaries of a ground water control area and thereby excluding the residents of those cities and villages from participating in the decision to create such ground water control areas does not violate either the equal protection or due process clauses of the United States Constitution. We believe that such a provision could sustain a constitutional challenge.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) G. Roderic Anderson
Assistant Attorney General

GRA:pjs
cc: Patrick O'Donnell
Clerk of the Legislature
State Capitol Building

REPORTS

Received seventh annual report from the Department of Correctional Services from July 1, 1980 - June 30, 1981.

Received statement of deposits from Department of Roads to Highway Cash Fund and Roads Operation Cash Fund for calendar month of March 1982.

Received report from Auditor of Public Accounts on the following agencies: Department of Education; Department of Revenue; Department of Institutions; State Board of Land Surveyors; Nebraska State Patrol; State Treasurer; Department of Health; Department of Roads; Nebraska Arts Council; Department of Agriculture; Board of Trustees - Nebraska State Colleges; Board of Educational Lands and Funds.

UNANIMOUS CONSENT - Withdraw LB 522A

Mr. V. Johnson renewed his pending motion found in the Journal on page 1909 to have unanimous consent to withdraw LB 522A.

Mr. H. Peterson objected.

Mr. V. Johnson moved to withdraw LB 522A.

The motion prevailed with 27 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

MR. NICHOL PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 522.

A BILL FOR AN ACT relating to public welfare; to transfer the administration of welfare programs from the counties to the state; to amend sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103 to 68-105, 68-109, 68-110, 68-115, 68-126, 68-128, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1001, 68-1007, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, sections 19-2702, 19-2716, 43-512, 68-703, and 68-1008, Revised Statutes Supplement, 1980, and section 68-1022, Revised Statutes Supplement, 1981; to harmonize provisions; to provide duties for the Department of Public Welfare; to eliminate certain assistance provisions; to provide an operative date; and to repeal the original sections, and also sections 43-505, 43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-329, 68-704 to 68-709, 68-711, 68-1009, and 68-1010, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' ''

Voting in the affirmative, 33:

Apking
Barrett
Beutler
Beyer
Carsten
Chronister
Cullan
DeCamp
Duda
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 12:

Clark
Cope
Dworak
Hefner
Lamb
Peterson, H.
Peterson, R.
Remmers
Schmit
Stoney
Von Minden
Warner

Present and not voting, 1:

Burrows

Excused and not voting, 3:

Chambers
Koch
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 591 to Select File

Mr. Kahle moved to return LB 591 to Select File for the following specific amendment:

Strike the enacting clause.

MR. LAMB PRESIDING

Mr. Beutler moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Kahle requested a roll call vote on his motion to return.

Voting in the affirmative, 20:

Apking
Barrett
Burrows
Chronister
Clark
Cope
Goll
Haberman
Hefner
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner
Warner

Voting in the negative, 25:

Beutler
Beyer
Carsten
Chambers
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Wesely
Wiitala

Present and not voting, 3:

DeCamp
Labedz
Von Minden

Excused and not voting, 1:

Marvel

The Kahle motion to return lost with 20 ayes, 25 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to return LB 591 to Select File for the following specific amendment:

Add the following section:

"Any city of the metropolitan class shall reduce its sales and use tax by 1/2 of one percent."

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Apking
Barrett
Chambers
Chronister
Clark
DeCamp
Haberman
Higgins
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden

Voting in the negative, 26:

Beutler
Beyer
Burrows
Carsten
Cope
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Wagner
Warner
Wesely
Wiitala

Present and not voting, 3:

Goll
Hefner
Labedz

Excused and not voting, 1:

Marvel

The Chambers motion to return lost with 19 ayes, 26 nays, 3 present and not voting, and 1 excused and not voting.

Messrs. DeCamp and Chambers moved to return LB 591 to Select File for the following specific amendment:

Add a new section:

"On July 1, 1983 any city of the metropolitan class shall reduce its sales and use tax by 1/2 of one percent."

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. DeCamp requested a roll call vote on his motion to return.

Voting in the affirmative, 23:

Apking
Barrett
Carsten
Chambers
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner

Voting in the negative, 22:

Beutler
Beyer
Burrows
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Warner
Wesely
Wiitala

Present and not voting, 3:

Higgins
Labedz
Marsh

Excused and not voting, 1:

Marvel

The DeCamp-Chambers motion to return lost with 23 ayes, 22 nays, 3 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 591.

A BILL FOR AN ACT to amend section 77-27,142, Revised Statutes Supplement, 1981, relating to revenue and taxation; to authorize an increase in a tax as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 23:

Beutler
Beyer
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Wesely
Wiitala

Voting in the negative, 22:

Apking
Barrett
Burrows
Chronister
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Koch
Kremer
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner

Present and not voting, 3:

Chambers
Clark
Labedz

Excused and not voting, 1:

Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to public health and welfare; to provide for a cancer registry with the Department of Health; to define terms; to provide duties for the Department of Health; to limit the use of information contained within the cancer registry; to create a fund; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Beyer
Clark
Fenger
Goll
Haberman
Kremer
Nichol
Peterson, H.
Peterson, R.
Remmers
Von Minden

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 212A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Apking
Barrett
Beutler
Burrows
Carsten
Chambers
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis

Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Stoney
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 11:

Beyer
Clark
Fenger
Goll
Haberman
Kremer
Nichol
Peterson, H.
Peterson, R.
Remmers
Von Minden

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 255. With Emergency.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1981, relating to the Nebraska Veteran's Aid Fund; to increase such fund; to provide for appropriations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 255A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, Eighty-seventh Legislature, First Session, 1981; and to declare an emergency.

Whereupon the President stated: ''All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ''

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

Fenger
Warner

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 404 to Select File

Mr. Beutler moved to return LB 404 to Select File for the following specific amendment:
Strike section 13

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 404.

A BILL FOR AN ACT to adopt the Nebraska Community Aging Services Act; to replace the Nebraska Commission on Aging with a department; to amend sections 68-1101 and 68-1103, Reissue Revised Statutes of Nebraska, 1943, and sections 68-1104, 68-1105, and 81-102, Revised Statutes Supplement, 1981; and to repeal the original sections.

The Chair stated that Article III, Section 27, of the Nebraska Constitution requires a two-thirds majority of the Legislature for LB 404 to pass.

Mr. Fowler appealed the ruling of the Chair.

The question is, "Shall the Chair be overruled?"

Motion pending.

VISITORS

Visitors to the Chamber were 20 students and teacher from Saratoga School, Lincoln; Mr. and Mrs. Charles Allan and Mr. and Mrs. Lloyd Ruge from Walthill; 40 fourth grade students and teacher from Hamlon Grade School; sixth, seventh, and eighth grade students, sponsors, principal, and superintendent from St. John's Catholic School, Petersburg; 4 students and teachers from Republican Valley School, Indianola; 6 students and counselor from Lyons High School; first, second, and third grade students and teacher from Bellwood; first through eighth grade students and teacher from Wahoo; and 3 students and teacher from Ainsworth.

RECESS

At 11:49 a.m., on a motion by Mr. Rumery, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Speaker Marvel who was excused; and Messrs. Burrows and Cullan who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board hereby submits the attached Reference Report No. 9, Governor's Appointment.

Education

Linda R. Walker - Educational Television Commission

(Signed) Howard Lamb, Chairperson
Legislative Council Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 387.

Introduced by Apking, 32nd District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chronister, 18th District; Clark, 47th District; Cullan, 49th District; DeCamp, 40th District; Fenger, 45th District; Fowler, 27th District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; V. Johnson, 8th District; Kahle, 37th District; Kilgarin, 7th District; Koch, 12th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Marsh, 29th District; Marvel, 33rd District; Newell, 13th District; Nichol, 48th District; H. Peterson, 35th District; R. Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Schmit, 23rd District; Sieck, 24th District; Vickers, 38th District; Von Minden, 17th District; Wagner, 41st District; Warner, 25th District; Wesely, 26th District; Wiitala, 31st District.

WHEREAS, a person who serves in the Nebraska Legislature must study many issues, must analyze what changes will best serve the citizens of this state, and is often challenged and tested in his or her beliefs; and

WHEREAS, a Senator must advocate the positions and propositions he or she offers by arguments and supporting evidence in much the same way a doctoral candidate works on a thesis; and

WHEREAS, Senator Bill Burrows has represented the 30th Legislative District since 1974; and

WHEREAS, Senator Ron Cope has represented the 36th Legislative District since 1974; and

WHEREAS, Senator Walter J. Duda has represented the 14th Legislative District since 1981; and

WHEREAS, Senator Donald N. Dworak has represented the 22nd Legislative District since 1974; and

WHEREAS, Senator Maurice A. Kremer has represented the 34th Legislative District since 1962; and

WHEREAS, Senator Myron G. Rumery has represented the 42nd Legislative District since 1974; and

WHEREAS, Senator Larry D. Stoney has represented the 4th Legislative District since 1974; and

WHEREAS, the Legislature would like to avow the many meritorious efforts by these Senators on behalf of the State of Nebraska and its citizens; and

WHEREAS, the Legislature acknowledges and commends the desire of each of them in having served the people of this state; and

WHEREAS, the Legislature wishes to thank these seven devoted men for their leadership and participation in the Unicameral.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service and achievements of Senators Bill Burrows, Ron Cope, Walter J. Duda, Donald N. Dworak, Maurice A. Kremer, Myron G. Rumery, and Larry D. Stoney.
2. That the Legislature wishes for Senators Burrows, Cope, Duda, Dworak, Kremer, Rumery, and Stoney and their families good health and much joy in the coming years.
3. That the Legislature present a copy of this resolution to Senator Bill Burrows, Senator Ron Cope, Senator Walter J. Duda, Senator Donald N. Dworak, Senator Maurice A. Kremer, Senator Myron G. Rumery, and Senator Larry D. Stoney.

Laid over.

LEGISLATIVE RESOLUTION 388.

Introduced by Cullan, 49th District.

WHEREAS, Benjamin M. Wall served the State of Nebraska and the city of Omaha well as an attorney in both private practice and public service as the Assistant Omaha City Attorney; and

WHEREAS, Mr. Wall served his country in the armed forces prior to establishing a private law firm in Omaha in 1956 and continued that service as a colonel in the United States Army Reserve, part of this service including an assignment to handle cases before the U.S. Court of Military Appeals in the Pentagon; and

WHEREAS, Mr. Wall served with dedication on the Nebraska Commission of Industrial Relations since 1974, acting as the presiding judge of that commission for two years; and

WHEREAS, Mr. Wall was recognized for his outstanding work with the Mid-American Council of Boy Scouts and was given the Silver Beaver award for this work; and

WHEREAS, Mr. Wall was dedicated to the promotion of the humanities in Nebraska through the founding of the Nebraska Foundation for the Humanities and his membership on the Nebraska Committee for the Humanities; and

WHEREAS, such commitment to community service is an inspiration to all Nebraska citizens and will be greatly missed by the residents of the city of Omaha and the people of the State of Nebraska; and

WHEREAS, Benjamin M. Wall died on Tuesday, April 13, 1982.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the many years of dedicated service made by Benjamin Wall to his city and his state.
2. That the members of the Legislature express their sympathy to the members of the Wall family with the hope that the knowledge of Benjamin Wall's dedication to service and his long list of contributions to others will serve as special consolation at this time of loss.
3. That copies of this resolution be sent to his mother, Mrs. Gladys Wall, and his sons Vik Wall, Raj Wall, Siban Wall, and Jai Wall.

Laid over.

LEGISLATIVE RESOLUTION 389.

Introduced by Wesely, 26th District.

WHEREAS, the safety of all Nebraskans is an important concern of the State Legislature; and

WHEREAS, the Eighty-Sixth Legislature, First Session, passed LB 395, an act which mandated certain changes in the law designed to give greater safety to pedestrians in crosswalks; and

WHEREAS, 1981 Nebraska Department of Roads statistics show that 589 pedestrians were injured and 36 pedestrians were killed in auto-pedestrian accidents, thus, showing that even more work remains to be done in the area of pedestrian safety; and

WHEREAS, further efforts to encourage greater recognition of pedestrian safety by the general public are necessary; and

WHEREAS, the Pedestrian Safety Committee of Nebraska is attempting to encourage greater awareness of pedestrian safety for all ages - school children to senior citizens; and

WHEREAS, the Pedestrian Safety Committee has declared September 6-10, 1982, the Pedestrian Awareness Week; and

WHEREAS, it is desirable that this effort receive the endorsement and support of all Nebraskans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-SEVENTH LEGISLATURE, SECOND SESSION:

1. That the Legislature supports pedestrian safety and the efforts of the Pedestrian Safety Committee of Nebraska.
2. That the Legislature declares September 6-10, 1982, to be Pedestrian Awareness Week in the State of Nebraska.
3. That copies of this resolution be sent by the Clerk of the Legislature to appropriate city officials in Nebraska.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 249
April 15, 1982

Dear Senator Koch:

By letter dated April 14, 1982, you presented this office with several questions regarding LB 602A, the "bingo bill", with respect to which you apparently wish our opinion.

You first ask whether all lotteries as presently defined by Neb.Rev.Stat. §28-1101(6) (Reissue 1979) would fall within the new definition of bingo contemplated by LB 602A should that bill be enacted. We think not. Under LB 602A bingo would continue to represent only one hybrid form of lottery. While it is true the new definition of bingo in the bill is broader than that presently found at Neb.Rev.Stat. §9-127 (Supp. 1980), it would continue to be distinguished from other forms of lottery by the particular method for determining winning chances. Any particular game of chance could be considered bingo only if its winners are determined from a random drawing of a subset of objects from among a total set of objects all of which are peculiarly designated in some manner. Moreover, bingo under LB 602A would continue to employ the use of cards held by players which, by virtue of their relationship to the designated objects drawn, are necessary for ascertaining winners. It seems clear to us that this particular method of determining the winning chances is but one of many which might be conceived under the general definition of lottery found in §28-1101(6).

No different conclusion is compelled by noting that the new bingo definition contemplated by the bill would delete any reference to a specified number of objects which must comprise a total set from which the subset is drawn, which specified number is 75 in existing statutes. Of course, the total number of objects that must be in the set to begin any game must be greater than the number within a subset which determines each winner and, we suppose, large enough to ensure winners will be determined at some point before all objects in the total set are drawn. This, however, seems to us to impose a practical, rather than legal, limitation on how few designated objects must comprise the total set at the beginning of any drawing.

You next ask whether numbered tickets sold by students at a public school athletic or musical function, where the purchaser holds one half of the ticket and the other half goes into a container from which winning numbers are drawn, would fall under LB 602A's definition of bingo. Again, we think not. As noted above, the bill would continue to contemplate that bingo games employ cards in the ascertainment of winners in addition to the employment of designated objects drawn at random. Thus, the kind of activity you describe would not amount to a bingo game.

Your third question, it appears to us, is whether or not newsprint-type cards currently employed in certain games of chance similar to bingo, which you term "English Bingo" or "look-a-like bingo" can be considered "regular bingo cards", in view of Neb.Rev.Stat. §9-137 and 9-161 (Supp. 1980). You attached your April 14th letter samples of newsprint cards utilized in these other games of chance.

Our judgment is that under LB 602A such newsprint cards would not be considered regular bingo cards. Neb.Rev.Stat. §9-161 currently requires that the playing spaces on regular cards be contained within an area not less than four inches square. This requirement is not changed by LB 602A's amendment of §9-161, and thus, any cards such as the newsprint cards you submitted to us failing to meet this size requirement cannot be considered regular bingo cards. This conclusion alone should answer your question, and we respectfully decline to respond to your further inquiry regarding the nondisposability requirement of §9-137, since that provision is not at all affected by LB 602A and our longstanding policy precludes us from providing opinions on legislation already enacted.

Finally, you ask whether if "pickle cards" are found to fall within the definition of lotteries by the Nebraska Supreme Court, would pickle card games fall within the definition of bingo under LB 602A. Pickle card games as presently conceived determine winners by a method not employing the drawing of subset of objects from among a total set of objects peculiarly designated. Pursuant to LB 602A, this methodological characteristic must exist in connection with a particular game of chance before it can be considered to be bingo. We conclude that the pickle card game as presently conceived would not constitute bingo under the bill.

Yours truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Shanler D. Cronk
Assistant Attorney General

SDC/cmb/th4
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

April 16, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 669A without my signature and with my objections.

Reimbursement for actual expenses of Commission members as provided in Section 1 of LB 669 would require a General Fund expenditure of $2,500 in Fiscal Year 1982-1983 and $4,000 in Fiscal Year 1983-84.

To increase state expenditures for these purposes cannot be supported in these economically difficult times.

I urge your body to sustain my veto of LB 669A.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:kld

April 16, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967, and Reengrossed Legislative Bill 604A were received in my office on April 13 and 14, 1982.

These bills were signed by me on April 16, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 16, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 609, 609A, 669, 714, 714A, 854, and 854A were received in my office on April 14, 1982.

These bills were signed by me on April 16, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 16, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Motor Vehicle Industry Licensing Board, requiring legislative confirmation:

> Robert Borgmann, Creighton Auto, Creighton 68729, term expiring May 18, 1984, succeeding Forrest Combs, term expired.

This appointment is submitted respectfully for your consideration.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh
cc: Robert Borgmann
Accountability and Disclosure Commission
Motor Vehicle Industry Licensing Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bills: LR 212, LR 266, LR 268, LR 269, LR 272, LR 274, LR 277, LR 278, LR 287, LR 292, LR 293, LR 295, LR 298, LR 304, LR 313, LR 316, LR 331, LR 359, LR 380, LB's 522, 212, 212A, 255, and 255A.

MESSAGES FROM THE GOVERNOR

April 16, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 89 without my signature and with my objections.

LB 89 increases the number of District Judges in Lancaster County from five to six. Your body, however, failed to pass LB 89A to appropriate funds for this additional judge.

I therefore urge you to sustain my veto.

Respectfully,
(Signed) CHARLES THONE
Governor

CT:gkv

April 16, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 966 without my signature and with my objections.

A revision of these fees may well be in order; however, in reviewing this legislation with state officials who would have to administer its provisions, it was concluded that it would be impossible to fairly administer some of the fees prescribed herein.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:lbd

MOTION - Overrule Chair on LB 404

Mr. Fowler renewed his motion to overrule the Chair.

The Chair ruled that LB 404 would require 25 votes.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Lamb requested a record vote on the motion to overrule the Chair.

Voting in the affirmative, 17:

Apking
Beutler
Clark
Cope
Duda
Dworak
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Pirsch
Remmers
Schmit
Von Minden
Wagner

Voting in the negative, 29:

Barrett
Beyer
Burrows
Carsten
Chambers
Chronister
Cullan
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Rumery
Sieck
Stoney
Vickers
Warner
Wesely
Wiitala

Present and not voting, 2:

DeCamp
Johnson, V.

Excused and not voting, 1:

Marvel

The motion to overrule the Chair lost with 17 ayes, 29 nays, 2 present and not voting, and 1 excused and not voting.

The Chair was sustained.

LEGISLATIVE BILL 404.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 9:

Beutler
Beyer
Clark
Cope
Cullan
Dworak
Peterson, R.
Remmers
Stoney

Present and not voting, 1:

Fenger

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 404A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Eighty-seventh Legislature, First Session, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Apking
Barrett
Burrows
Carsten
Chambers
Chronister
DeCamp
Duda
Dworak
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 14:

Beutler
Beyer
Clark
Cope
Cullan
Fenger
Haberman
Johnson, L.
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Warner

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

ATTORNEY GENERAL'S OPINION

Opinion No. 251
April 16, 1982

Dear Senator Haberman:

You have asked us whether or not it is necessary to have an appropriation bill to pay all judges' salaries. While it is true that Article III, Section 25 of the Nebraska Constitution specifies that no money shall be drawn from the treasury except in pursuance of a specific appropriation made by law. Our Supreme Court in State v. Weston, stated: "It will be observed that this provision does not require the appropriation to made by act of the Legislature, but merely that it be 'made by law', so that it may be done either by direction of the Constitution itself, that being the supreme law in the state, or by the Legislature through the forms prescribed for drawing money from the public treasury. . . ."

Therefore, we would be of the opinion as we were in Opinion NO. 57, dated March 18, 1957, a copy of which is enclosed for your information, that once you have created a office and an officer has been appointed to fill that office that officer will be compensated by act of law if not by direct act of the Legislature.

We hope this adequately responds to your inquiry.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Terry R. Schaaf
Assistant Attorney General

TRS/cmb/f3
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 412 to Select File

Mrs. Labedz and Mr. Wagner moved to return LB 412 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Wagner requested a record vote on the motion to return.

Voting in the affirmative, 22:

Beutler
Clark
Cullan
Duda
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Johnson, V.
Kilgarin
Koch
Labedz
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Wesely

Voting in the negative, 25:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Cope
DeCamp
Dworak
Haberman
Hoagland
Johnson, L.
Kahle
Kremer
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Schmit
Sieck
Vickers
Warner
Wiitala

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Marvel

The motion to return lost with 22 ayes, 25 nays, 1 present and not voting, and 1 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Newell asked unanimous consent to lay LB 412 over until after LB 816 is read on final reading.

Mr. Haberman objected.

Mr. Newell moved to lay LB 412 over until after LB 816 is read on final reading.

The Newell motion prevailed with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

MR. LAMB PRESIDING

MOTION - Return LB 488 to Select File

Mr. Von Minden moved to return LB 488 to Select File for the following specific amendment:
"Strike the enacting clause".

Messrs. Wiitala and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Von Minden requested a roll call vote on his motion to return.

Voting in the affirmative, 23:

Apking
Beyer
Burrows
Carsten
Chronister
Cope
Fenger
Goll
Higgins
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wesely

Voting in the negative, 22:

Barrett
Beutler
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Wagner
Warner
Wiitala

Present and not voting, 3:

Chambers
Clark
Pirsch

Excused and not voting, 1:

Marvel

The Von Minden motion to return lost with 23 ayes, 22 nays, 3 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to certain constitutional officers; to amend section 24-201.01, Reissue Revised Statutes of Nebraska, 1943, and sections 75-104, 84-201.01, and 84-721, Revised Statutes Supplement, 1980; to provide a salary increase and adjustment for such officers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 25:

Barrett
Beutler
Chambers
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Wagner
Wesely
Wiitala

Voting in the negative, 21:

Apking
Beyer
Burrows
Carsten
Fenger
Goll
Higgins
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Warner

Present and not voting, 2:

Chronister
Pirsch

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 520 to Select File

Mr. V. Johnson asked unanimous consent pursuant to Rule 6(e) to unbracket LB 520 to permit Final Reading.

Mr. Clark objected.

Mr. V. Johnson moved pursuant to Rule 6(e) to unbracket LB 520 to permit Final Reading.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The V. Johnson motion to unbracket LB 520 prevailed with 21 ayes, 17 nays, 10 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 520.

A BILL FOR AN ACT relating to children; to provide legislative intent; to define terms; to provide for licensing of child care providers as prescribed; to provide duties; to provide for inspections; to provide for enforcement; to provide penalties; to change fees as prescribed; to amend sections 71-901, 71-1901, and 71-1902, Reissue Revised Statutes of Nebraska, 1943, and section 81-502, Revised Statutes Supplement, 1981; and to repeal the original sections, and also section 43-531, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 17:

Beutler
Burrows
Duda
Goll
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Schmit
Vickers
Wiitala

Voting in the negative, 30:

Apking
Barrett
Beyer
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Dworak
Fenger
Fowler
Haberman
Hefner
Johnson, L.
Kahle
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner
Wesely

Present and not voting, 1:

Sieck

Excused and not voting, 1:

Marvel

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 547. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to provide for liability of owners of hotels, motels, rooming houses, boarding houses, apartment houses, and restaurants for loss of property of guests as prescribed; to amend sections 81-216.21 and 81-216.31, Revised Statutes Supplement, 1981; to change an exception; to change provisions relating to the false advertisement of food; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Marsh
Nichol
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 6:

Chambers
Cullan
Dworak
Fowler
Landis
Newell

Present and not voting, 1:

Peterson, H.

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 602.

A BILL FOR AN ACT to amend sections 68-104, 68-114, 68-115, and 68-126, Reissue Revised Statutes of Nebraska, 1943, relating to paupers and public assistance; to transfer certain administrative duties of welfare programs from the counties to the state; to require the Department of Public Welfare to provide certain medical services for certain poor persons; to provide duties; to provide for a standard of need; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: “All provisions of law relative to procedure having been complied with, the question is, ‘Shall the bill pass?’ ”

Voting in the affirmative, 32:

Apking
Beutler
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Vickers
Wagner
Wesely
Wiitala

Voting in the negative, 13:

Barrett
Beyer
Burrows
Carsten
Clark
Goll
Hefner
Lamb
Peterson, R.
Schmit
Stoney
Von Minden
Warner

Present and not voting, 3:

Chambers
Fowler
Koch

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

I inadvertently voted ''no'' on LB 602. My intent was to vote ''yes''.

(Signed) James E. Goll

MOTION - Return LB 602A to Select File

Mr. Chambers moved to return LB 602A to Select File for the following specific amendment:
Strike enacting clause.

Mr. Newell moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 8:

Barrett
Chambers
Clark
Fenger
Goll
Pirsch
Sieck
Stoney

Voting in the negative, 37:

Apking
Beyer
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Dworak
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Present and not voting, 3:

Beutler
Burrows
Koch

Excused and not voting, 1:

Marvel

The Chambers motion to return lost with 8 ayes, 37 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 602A. With Emergency.

A BILL FOR AN ACT to amend sections 9-127, 9-161, and 9-163, Revised Statutes Supplement, 1980, relating to bingo; to redefine a term; to change certain playing card requirements; to change provisions relating to the manner in which bingo games are conducted; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 34:

Apking
Beutler
Beyer
Burrows
Carsten
Chronister
Cope
Cullan
DeCamp
Duda
Fowler
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Labedz
Lamb
Landis
Newell
Nichol
Peterson, H.
Peterson, R.
Remmers
Schmit
Vickers
Von Minden
Wagner
Warner
Wesely

Voting in the negative, 10:

Barrett
Chambers
Clark
Dworak
Fenger
Goll
Pirsch
Rumery
Sieck
Stoney

Present and not voting, 3:

Koch
Marsh
Wiitala

Excused and not voting, 2:

Kremer
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 759.

A BILL FOR AN ACT to amend section 60-311, Revised Statutes Supplement, 1981, relating to motor vehicles; to defer the issuance of new number plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Rumery
Schmit
Stoney
Von Minden
Wagner
Warner
Wiitala

Voting in the negative, 7:

Clark
Cullan
Nichol
Remmers
Sieck
Vickers
Wesely

Excused and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 787. With Emergency.

A BILL FOR AN ACT to amend sections 43-246, 43-249, 43-250, 43-252, 43-253, 43-255, 43-256, 43-258, 43-261, 43-271, 43-272, 43-277, 43-279, 43-281, 43-285, 43-286, 43-288, 43-290, and 43-2,125, Revised Statutes Supplement, 1981, and section 43-247, Revised Statutes Supplement, 1981, as amended by section 2, Legislative Bill 215, Eighty-seventh Legislature, First Session, 1981, relating to juveniles; to clarify provisions relating to construction of the code, jurisdiction of the court, procedures, custody, and transfers from certain courts; to provide for guardians ad litem as prescribed; to harmonize provisions; to change provisions relating to disposition; to restrict the imposition of the death penalty; to provide an operative date; to provide severability; to repeal the original sections, and also section 43-260, Revised Statutes Supplement, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 1:

Hefner

Excused and not voting, 2:

Kremer Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 15, 1982. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Corkle, Margaret - Omaha, (Withdrawn 4-15-82), Millard Public Schools
Gordon, James E. - Lincoln, DeHart Associates, Inc.
Horton, Vickie G. - Lincoln, Distilled Spirits Council of the United States
Vereen, David L. - Lincoln, (Withdrawn 4-15-82), Nebraska Realtors Association
Whelan, Gerald T. - Hastings, (Withdrawn 4-7-82), Hastings Pork; Scientific Games

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1982, at 2:15 p.m., were the following bills: 522, 212, 212A, 255, and 255A.

(Signed) Hazel Kaltenberger, Enrolling Clerk

ATTORNEY GENERAL'S OPINIONS

Opinion No. 252
April 16, 1982

Dear Senator Warner:

You have asked for our opinion on the number of votes required to pass LB 816A under the provisions of the Nebraska Constitiution.

You refer of course to Article IV, Section 7 of the Constitution which in part provides: "No appropriations shall be made in excess of the recommendation contained in such budget including any amendment the Governor may make thereto unless by three-fifths vote of the Legislature, and such excess so approved shall be subject to veto by the Governor." LB 816A is an appropriation bill to fund the distribution of state aid to local governmental subdivisions adopted pursuant to LB 816. Prior to LB 816, the Legislature had provided for the distribution of funds to governmental subdivisions in a series of statutes. Pursuant to court action, the statutes setting up the formulas for distribution have been amended by the Legislature in LB 816.

The Governor's budget recommendation as originally sent to the Legislature contained in LB 761, Section 12, Subsections 1 and 2, for programs 146 and 147, $12,600,000 and $70,000,000. LB 816A appropriates a total of $82,600,000. The distribution of the total amount appropriated under LB 816A is different than the distribution which would of occurred under the appropriations recommended by the Governor in his original budget message to the Legislature. The totals, however, remain the same. This question while different is somewhat similar to a question dealt with in Opinion No. 49, dated March 20, 1975, Report of the Attorney General 1975-1976. In that opinion we stated that a bill making appropriations for a new program not in existence at the time the Governor made his recommendation did not require a three-fifths vote. We include a copy of that opinion with this letter. The cases discussed therein and the matters which are now before the Legislature lead us to the conclusion that the amount which is appropriated by LB 816A $82.6 million dollars is the same as and not in excess of the amount recommended by the Governor in his budget messages to the Legislature.

We have also this date responded to a request for an opinion from Senator DeCamp on the same issue. A copy of that response is included herein.

Sincerely,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO/cmb/fl
Encls.
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 253
April 16, 1982

Dear Senator DeCamp:

You have asked for our opinion on whether or not 30 votes are required for final passage of LB 816A. A similar request has been received from Senator Warner, a copy of our response to that request is included herein.

You state in your letter that LB 816A appropriates approximately $45,000,000 to education programs which is in excess of the Governor's recommendation in his original budget message of approximately $42,000,000. As you know, LB 816A appropriates $82,600,000. This sum is arrived at by combining the recommendations made in the Governor's original budget in LB 761, Section 12, Subsections 1 and 2, wherein the Governor recommended $12,600,000 and $70,000,000 for distribution of state sums to governmental subdivisions. The $70,000,000 recommendation included within it a division of approximately $41,000,000 of that total to be distributed to school districts. LB 816A obviously increases the share of school districts over that contemplated by the Governor's recommendation, but that increase to school districts is at the expense of other governmental subdivisions and not as a result of increasing the total amount of money recommended by the Governor.

The constitutional provision to which you refer does not require that the Legislature divide a distinct appropriation in the exact manner the Governor recommends. It is designed so that the Governor's general recommendations for particular areas may not be exceeded. However, the distribution within such areas may well vary from the Governor's recommendation without necessarily being in excess of his recommendation. It is therefore our opinion that LB 816A is not in excess of the Governor's recommendation and therefore does not require a three-fifths vote.

As a further matter, you state in your letter that it has been a uniform practice to require 30 votes for the passage of an ''A'' bill. We have examined the constitutional provisions involved and note that Article IV, Section 7 of the Constitution requires a three-fifths vote of the Legislature for appropriations in excess of the Governor's recommendation. ''A'' bills may or may not be an appropriation in excess of the Governor's recommendation. If they are for the purpose of funding governmental functions not in existence at the time the Governor made his recommendation, they of course do not require 30 votes. See Opinion No. 49, March 20, 1975, Report of the Attorney General 1975-76. If an ''A'' bill funds a program which was included in the Governor's recommended budget and increases the Governor's recommendation, then 30 votes would be required to pass the ''A'' bill with an amount over the Governor's recommendation. If the ''A'' bill fails to receive 30 votes but receives 25 or more votes, it would still pass but only at the funding level recommended by the Governor. Thus, to make a flat statement that the Legislature has uniformly required 30 votes to pass an ''A'' bill while it may be correct, is not constitutionally mandated in all situations.

As a final matter, you have brought to our attention the provisions of Neb.Rev.Stat. §81-137 (Reissue 1976). That section provides:

> The Governor shall also submit to the Legislature at the same time he submits the budget, copies of a tentative bill for all proposed appropriations of the budget clearly itemized and properly classified, for the ensuing appropriation period, and no appropriation shall be made in excess of the items and recommendations contained in the budget unless by a two-thirds vote of the Legislature, but any item or recommendation therein contained may be rejected or decreased in amount.

Obviously this section purports to require a greater majority to increase the appropriation above the Governor's recommendation than does the Constitution. We believe that this discrepancy may be explained by the following facts. Article IV, Section 7 of the Nebraska Constitution from 1920 to 1964, provided for the requirement of a three-fifths majority. In 1964, the Constitution was amended by a vote of the people pursuant to an amendment proposed in LB 807, Seventy-Third Legislative Session, to require a two-thirds majority for appropriating money in excess of the Governor's recommendations. Section 7 was again amended in 1972, by a vote of the people pursuant to an amendment proposed by the Legislature in LB 301 at the 1971 Session, to reduce the requirement back to the three-fifths majority that had been in effect from 1920. The constitutional provision has remained the same since that time.

Neb.Rev.Stat. §81-137 from 1929 to 1971, required a three-fifths majority for the passage of such items. In 1971, in LB 28, the Legislature amended that section to require a two-thirds majority to conform with the constitutional provision of 1964. The following year the Constitution was changed back to three-fifths, but no action has been taken on Neb.Rev.Stat. §81-137 since that time. We believe that it is obvious that where there is a divergence between statutory requirements and constitutional requirements with respect to the number of votes necessary to adopt an appropriations bill in excess of the Governor's recommendation, the constitutional requirements will control over the statutory requirements. While the Legislature has plenary power over the fiscal matters of the government, its authority is limited by the constitutional requirements. See, State ex rel Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970). Therefore, our opinion expressed above in regard to LB 816A and other matters is not affected by the provisions of Neb.Rev.Stat. §81-137, since such provisions are subject to the constitutional requirements set forth in Article IV, Section 7 of the Nebraska Constitution.

Sincerely
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO/cmb/f2
Enc.
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Return LB 799 to Select File

Mr. Remmers moved to return LB 799 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Remmers asked unanimous consent to withdraw his pending motion to return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 799.

A BILL FOR AN ACT relating to energy; to amend sections 66-1004, 66-1005, 66-1009, 81-1609, 81-1616, 81-1619, 81-1621, and 81-1623, Revised Statutes Supplement, 1980, and sections 57-705, 77-2715, 81-1618, 81-1627, 81-1628, 81-1632, 81-1633, and 81-1634, Revised Statutes Supplement, 1981; to define and redefine terms; to change provisions relating to certain loans; to repeal provisions relating to certain sales and use tax refunds; to change provisions relating to lighting and thermal efficiency standards as prescribed; to provide for fees; to change fees; to change provisions relating to energy audits; to change provisions relating to energy audits; to change provisions relating to energy efficiency grants; to extend the time for certain allocations; to provide for income tax credits as prescribed; to provide for termination; and to repeal the original sections, and also sections 66-1012 to 66-1018, and sections 66-1019 to 66-1028, Revised Statutes Supplement, 1981.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Apking
Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 15:

Barrett
Carsten
Clark
Cullan
Dworak
Fenger
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney
Wagner
Warner

Present and not voting, 1:

Cope

Excused and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 799A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney
Wagner
Warner

Excused and not voting, 2:

Kremer
Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Chambers
Chronister
DeCamp
Duda
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Schmit
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 16:

Apking
Barrett
Carsten
Clark
Cope
Cullan
Dworak
Fenger
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney
Wagner

Present and not voting, 1:

Warner

Excused and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 404, 404A, 488, 547, 602, 602A, 759, 787, and 799.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 816. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,136, 77-27,137, 77-27,137.01, and 79-2651, Revised Statutes Supplement, 1980; to provide for state aid to political subdivisions as prescribed; to provide an operative date; to provide for severability; to repeal the original sections, and also sections 77-3605 to 77-3615, Revised Statutes Supplement, 1981; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kremer
Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 816A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 16:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Haberman
Hefner
Kahle
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kremer
Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Beutler
Beyer
Burrows
Carsten
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Peterson, H.
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Kahle
Lamb
Peterson, R.
Remmers
Schmit
Sieck
Vickers
Wagner

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Kremer
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

MOTION - Reconsider LB 816A

Mr. Chambers moved to suspend Rule 7 Section 7(D) to reconsider LB 816A.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Mr. Hoagland requested a roll call vote on the Chambers motion.

Voting in the affirmative, 28:

Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
Duda
Dworak
Fenger
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Stoney
Von Minden
Warner
Wesely
Wiitala

Voting in the negative, 17:

Apking
Barrett
Chronister
Clark
Cope
DeCamp
Goll
Haberman
Hefner
Johnson, L.
Kahle
Peterson, H.
Peterson, R.
Remmers
Schmit
Sieck
Wagner

Present and not voting, 1:

Vickers

Excused and not voting, 2:

Kremer
Marvel

Absent and not voting, 1:

Lamb

The Chambers motion lost with 28 ayes, 17 nays, 1 present and not voting, 2 excused and not voting, and 1 absent and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3510, 77-3511, 77-3513, 77-3514, 77-3516, 77-3517, 77-3523, and 77-3525, Revised Statutes Supplement, 1980, and sections 77-202.03, 77-3508, and 77-3612, Revised Statutes Supplement, 1981, and section 10, Legislative Bill 816, Eighty-seventh Legislature, Second Session, 1982; to change provisions relating to exemption of personal property as prescribed; to provide for homestead exemption application forms; to change notice requirements; to disallow exemptions as prescribed; to provide for the transfer of homestead exemptions; to define terms; to provide certain exemption rates; to provide exemptions for renters; to provide a penalty; to reinstate certain statutory provisions; to provide for aid to political subdivisions as prescribed; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 19:

Burrows
Carsten
DeCamp
Duda
Dworak
Fowler
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Lamb
Marsh
Newell
Peterson, H.
Rumery
Schmit
Sieck
Vickers

Voting in the negative, 21:

Apking
Barrett
Beutler
Beyer
Chronister
Cullan
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Nichol
Pirsch
Stoney
Von Minden
Warner
Wesely
Wiitala

Present and not voting, 7:

Chambers
Clark
Cope
Fenger
Peterson, R.
Remmers
Wagner

Excused and not voting, 2:

Kremer
Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Mr. DeCamp moved to return LB 412 to Select File for the following specific amendment:
Strike Section 5.

Mr. DeCamp asked unanimous consent to withdraw his motion. No objections. So ordered.

Voting in the affirmative, 27:

Apking
Barrett
Burrows
Carsten
Clark
Cope
DeCamp
Duda
Dworak
Fowler
Haberman
Hefner
Higgins
Johnson, L.
Kahle
Kremer
Lamb
Newell
Peterson, H.
Peterson, R.
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Warner

Voting in the negative, 20:

Beutler
Beyer
Chambers
Chronister
Cullan
Goll
Goodrich
Hoagland
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Nichol
Pirsch
Stoney
Wagner
Wesely
Wiitala

Present and not voting, 1:

Fenger

Excused and not voting, 1:

Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 868. With Emergency.

A BILL FOR AN ACT to amend sections 31-727, 31-727.02, 31-733, 31-737, 31-741 to 31-747, 31-750 to 31-752, 31-754, 31-756, 31-759, and 31-764 to 31-770, Reissue Revised Statutes of Nebraska, 1943, sections 31-734, 31-739, 31-740, 31-748, 31-749, and 31-755, Revised Statutes Supplement, 1980, and section 31-753, Revised Statutes Supplement, 1981, relating to sanitary and improvement districts; to provide for an administrator as prescribed; to create a fund; to change provisions relating to certain charges of the district; to change provisions relating to the powers and improvements of districts as prescribed; to allow a tax levy for payment of warrants; to allow for a separate tax to pay certain administrative costs; to change provisions respecting mergers; to provide procedure for the appointment of an administrator; to provide duties; to harmonize provisions; to provide for severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Apking
Barrett
Beyer
Burrows
Carsten
Chronister
Clark
Cope
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Chambers
Stoney

Excused and not voting, 1:

Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. CLARK PRESIDING

LEGISLATIVE BILL 928. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 2-1017, 2-1019, 2-2603, 21-301, 21-303, 21-304, 21-306, 21-313, 31-323, 21-325, 21-1982, 21-2013, 21-20,139, 21-2216, 25-530, 25-1580, 28-1232, 28-1246, 28-1251, 29-812, 29-2824, 29-3302, 33-101, 33-102, 33-125, 33-126, 33-126.02 to 33-126.06, 39-669.35, 48-418.09, 48-503, 49-1482, 54-1904, 60-115, 60-311.12, 60-409.10, 66-517, 66-607, 69-1204, 69-1206, 71-1902, 71-2020, 71-3205, 71-3209, 75-128, 75-150, 75-305, 75-327, 75-328, 75-352, 75-354, 77-2621, 77-2705, 77-2706, 77-3002, 77-3003, 77-3103, 79-4,147.02, 87-114, 87-115, and 87-210, Reissue Revised Statutes of Nebraska, 1943, sections 9-143, 18-1740, 24-524, 53-131, 77-2612, 77-3004, 79-2846, 81-1921, 81-1922, and 81-1924, Revised Statutes Supplement, 1980, sections 26-112, 33-123, 33-124, 60-407, 88-401, and 88-503, Revised Statutes Supplement, 1981, and sections 9-402 to 9-406, 9-408, and 9-411, Uniform Commercial Code; to change provisions relating to certain fees as prescribed; to increase certain fees; to provide for additional fees; to authorize transfers of certain funds as prescribed; to provide duties; to provide operative dates; to repeal the original sections; to provide a conditional repeal of section 71-1902, Reissue Revised Statutes of Nebraska, 1943, as amended by this act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 24:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Rumery
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 20:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Landis
Newell
Schmit
Sieck
Vickers
Wesely
Wiitala

Present and not voting, 3:

DeCamp
Marsh
Remmers

Excused and not voting, 2:

Apking
Marvel

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 19:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Labedz
Landis
Newell
Schmit
Sieck
Vickers
Wesely
Wiitala

Present and not voting, 2:

DeCamp
Marsh

Excused and not voting, 2:

Apking
Marvel

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

Mrs. Apking asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Return LB 933 to Select File

Mr. Carsten moved to return LB 933 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Carsten asked unanimous consent to withdraw his motion to return. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 933. With Emergency.

A BILL FOR AN ACT to amend section 79-4,123, Reissue Revised Statutes of Nebraska, 1943, section 79-488 and 79-4,102, Revised Statutes Supplement, 1980, and sections 79-1333 and 79-1333.01, Revised Statutes Supplement, 1981, relating to schools; to change provisions relating to high school tuition rates as prescribed; to change provisions relating to distribution of financial assistance to schools; to change provisions relating to inspection of school vehicles used for transportation of students; to delete the requirement for a publication; to prohibit certain payments; to appropriate funds; to provide severability; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Duda
Dworak
Fenger
Goll
Goodrich
Haberman
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Labedz
Lamb
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Vickers
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 2:

DeCamp
Fowler

Excused and not voting, 2:

Apking
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider LB 672

Miss Kilgarin renewed her pending motion to reconsider LB 672 found in the Journal on page 1700.

Mr. Goodrich requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 29:

Beyer
Burrows
Chronister
Cullan
DeCamp
Duda
Dworak
Fenger
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Labedz
Landis
Marsh
Newell
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Vickers
Wiitala

Voting in the negative, 18:

Barrett
Beutler
Carsten
Chambers
Clark
Cope
Haberman
Kahle
Kremer
Lamb
Nichol
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely

Excused and not voting, 2:

Apking
Marvel

The Kilgarin motion to reconsider lost with 29 ayes, 18 nays, and 2 excused and not voting.

MOTION - Reconsider LB 115

Mr. Wiitala renewed his pending motion to reconsider LB 115 found in the Journal on page 1950.

Messrs. DeCamp and Von Minden asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Miss Kilgarin moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Miss Kilgarin requested a roll call vote on the Wiitala motion to reconsider.

Voting in the affirmative, 28:

Beutler
Burrows
Chambers
Cullan
Dworak
Fowler
Goll
Goodrich
Haberman
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Kremer
Labedz
Landis
Marsh
Newell
Nichol
Pirsch
Rumery
Sieck
Vickers
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 17:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
DeCamp
Duda
Fenger
Hefner
Johnson, L.
Kahle
Lamb
Peterson, H.
Peterson, R.
Remmers
Stoney

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Apking
Marvel
Von Minden

The Wiitala motion to reconsider lost with 28 ayes, 17 nays, 1 present and not voting, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

MOTION - Reconsider LB 590

Mr. Beutler renewed his pending motion to reconsider LB 590 found in the Journal on page 1950.

Mr. Beutler asked unanimous consent to withdraw his pending motion. No objections. So ordered.

MOTION - Reconsider LB 952

Mr. Newell renewed his pending motion to suspend the rules and reconsider LB 952 found in the Journal on page 1570.

The motion lost with 24 ayes, 17 nays, 5 present and not voting, and 3 excused and not voting.

MOTION - Override Veto on LB 761

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee, by a majority vote, moves that the Legislature override the Governor's line-item reduction which postpones the state employee salary increase until January 1, 1983, as referenced in the Governor's April 14, 1982, letter to the Legislature and noted as line item reduction B. 12, in the Governor's "Summary of Line Item Reductions".

Included in this motion is the attached listing of line-item amounts and the revised program and agency appropriation totals by fund source.

Mr. Hefner moved the previous question, the question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 761 pass notwithstanding the line-item veto of the Governor as stated above?'"

Mr. Warner requested a roll call vote.

Voting in the affirmative, 26:

Beutler
Burrows
Carsten
Chambers
Cope
Dworak
Fowler
Goodrich
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Barrett
Beyer
Chronister
Clark
Cullan
DeCamp
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Excused and not voting, 3:

Apking
Labedz
Marvel

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 761

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee, by a majority vote, moves that the Legislature override the Governor's line-item reduction which reduces the appropriation for mental retardation, Department of Public Institutions, Program No. 424-Community Mental Retardation, including the final budget for each mental retardation region shown and changes intent language/earmarks for the Title XX Allocation to Mental Retardation, Department of Public Welfare, Program No. 347-Public Assistance as referenced in the Governor's April 14, 1982, letter to the Legislature and noted as line item reduction B. 10 and C. 1, respectively in the Governor's "Summary of Line Item Reductions".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 761 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 31:

Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Cope
Dworak
Fowler
Goll
Goodrich
Hefner
Higgins
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Lamb
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 14:

Cullan
DeCamp
Duda
Fenger
Haberman
Johnson, L.
Kremer
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 1:

Clark

Excused and not voting, 3:

Apking
Labedz
Marvel

A constitutional three-fifths majority have voted in the affirmative, the line-item veto on LB 761 as stated above was passed notwithstanding the objections of the Governor.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 761

Mr. Koch moved pursuant to Rule 6, Section 14, Paragraph C, I move that the Nebraska Legislature override the Governor's line-item reduction which reduces the appropriation for Special Education, Department of Education, Program No. 292, Special Education, as referenced in the Governor's April 14, 1982, letter to the Legislature and noted as line-item reduction B. 9 respectively in the Governor's "Summary of Line-Item Reductions".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 761 pass notwithstanding the line-item veto of the Governor as stated above?' "

Voting in the affirmative, 22:

Beutler
Burrows
Carsten
Chambers
Dworak
Fowler
Higgins
Hoagland
Johnson, V.
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Rumery
Schmit
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 22:

Barrett
Beyer
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kahle
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Present and not voting, 1:

Kremer

Excused and not voting, 4:

Apking
DeCamp
Labedz
Marvel

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 816, 816A, 799A, 412, and 928.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT LUEDTKE PRESIDING

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 816, 816A, 799A, 412, 933, and 868.

MOTION - Reconsider LB 928

Mr. Landis moved to reconsider passage of LB 928 with the emergency clause.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

The Landis motion prevailed with 34 ayes, 8 nays, 3 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

LEGISLATIVE BILL 928. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Mr. Landis requested a roll call vote.

Voting in the affirmative, 34:

Barrett
Beyer
Carsten
Chronister
Clark
Cope
Cullan
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Schmit
Sieck
Stoney
Von Minden
Wagner
Warner

Voting in the negative, 7:

Beutler
Burrows
Chambers
Dworak
Fowler
Higgins
Vickers

Present and not voting, 4:

Hoagland
Landis
Wesely
Wiitala

Excused and not voting, 4:

Apking
DeCamp
Labedz
Marvel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATIONS OF VOTES

Had I been present on Final Reading, when LB 868 was read, I would have voted aye.

(Signed) Larry Stoney

Had I been present for the override on the employees increase, LB 761, I would have voted yes.

(Signed) Bernice Labedz

Had I been present, I would have voted no on the final passage of LB 787.

(Signed) Elroy Hefner

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1982, at 5:20 p.m., were the following bills: 404, 404A, 488, 547, 602, 602A, 759, 787, and 799.

Presented to the Governor on April 16, 1982, at 8:13 p.m., were the following bills: 816, 816A, 799A, 412, 933, and 868.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Member Excused

Mrs. Higgins and Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

MOTION - Override Veto on LB 761

Mr. Fowler moved that the Legislature override the Governor's line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund from $113,902,858 to $110,364,000.

Whereupon the President stated: "The question shall be, 'Shall LB 761 pass notwithstanding the line-item vetoes of the Governor as stated above?' "

Voting in the affirmative, 10:

Burrows
Cullan
Dworak
Fowler
Kilgarin
Landis
Sieck
Vickers
Wesely
Wiitala

Voting in the negative, 28:

Barrett
Beyer
Carsten
Chronister
Cope
Duda
Fenger
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kahle
Kremer
Lamb
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Stoney
Von Minden
Wagner
Warner

Present and not voting, 5:

Beutler
Chambers
Clark
Koch
Rumery

Excused and not voting, 6:

Apking
DeCamp
Higgins
Labedz
Marvel
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

MOTION - Override Veto on LB 761

Messrs. Wesely, Schmit, and Newell moved that the Legislature override the Governor's line item reduction by restoring the amount shown for the Disabled Persons and Family Support Program in the Department of Public Welfare - Program No. 347 - Public Assistance, referenced in the Governor's April 14, 1982, letter to the Legislature and noted as line item reduction C. 3. in the Governor's "Summary of Line Item Reduction."

Mr. Wesely moved for a Call of the House. The motion prevailed with 18 ayes, 11 nays, and 20 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 761 pass notwithstanding the line-item vetoes of the Governor as stated above?'"

Mr. Wesely requested a roll call vote.

Voting in the affirmative, 24:

Beutler
Beyer
Burrows
Carsten
Chambers
Cullan
Duda
Dworak
Fowler
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Landis
Marsh
Newell
Pirsch
Rumery
Sieck
Stoney
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Chronister
Clark
Cope
Fenger
Goll
Goodrich
Haberman
Hefner
Johnson, L.
Kremer
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Vickers
Von Minden
Wagner

Excused and not voting, 5:

DeCamp
Higgins
Labedz
Marvel
Schmit

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line-item objections of the Governor.

SELECT COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 928.

(Signed) Karen Kilgarin, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 928.

MR. LAMB PRESIDING

MOTION - Suspend Rules on LB 761

Mr. Chambers moved to suspend Rule 7, Section 7, and to reconsider the Appropriations Committee's motion to override the Governor's line-item reduction in LB 761, relating to the postponement of state employee salary increases.

Mr. Hefner moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mrs. Marsh requested a roll call vote on the Chambers motion to suspend the rules.

Voting in the affirmative, 24:

Beutler
Burrows
Carsten
Chambers
Cope
Dworak
Fowler
Goodrich
Hoagland
Johnson, V.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Pirsch
Rumery
Sieck
Vickers
Warner
Wesely
Wiitala

Voting in the negative, 20:

Apking
Barrett
Beyer
Chronister
Clark
Cullan
Duda
Fenger
Goll
Haberman
Hefner
Johnson, L.
Lamb
Nichol
Peterson, H.
Peterson, R.
Remmers
Stoney
Von Minden
Wagner

Excused and not voting, 5:

DeCamp
Higgins
Labedz
Marvel
Schmit

The Chambers motion to suspend the rules lost with 24 ayes, 20 nays, and 5 excused and not voting.

MOTION - Suspend Rules on LB 672

Mr. V. Johnson moved to suspend Rule 7, Section 7 to permit reconsideration on LB 672.

Mr. Hefner moved the previous question. The question is, ''Shall the debate now close?'' The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. V. Johnson requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 30:

Apking
Beyer
Burrows
Carsten
Chronister
Duda
Fenger
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell

Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Vickers
Von Minden
Wesely
Wiitala

Voting in the negative, 14:

Barrett
Beutler
Chambers
Clark
Cope
Cullan
Dworak
Goll
Kahle
Lamb
Nichol
Stoney
Wagner
Warner

Excused and not voting, 5:

DeCamp
Higgins
Labedz
Marvel
Schmit

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 14 nays, and 5 excused and not voting.

MOTION - Reconsider LB 672

Mr. V. Johnson moved to reconsider LB 672.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. V. Johnson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 27:

Apking
Beyer
Burrows
Carsten
Chronister
Duda
Fenger
Fowler
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Johnson, V.
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Peterson, H.
Pirsch
Remmers
Rumery
Sieck
Wesely
Wiitala

Voting in the negative, 15:

Barrett
Beutler
Chambers
Clark
Cope
Cullan
Dworak
Goll
Kahle
Lamb
Nichol
Stoney
Von Minden
Wagner
Warner

Present and not voting, 1:

Peterson, R.

Excused and not voting, 6:

DeCamp
Higgins
Labedz
Marvel
Schmit
Vickers

The V. Johnson motion lost with 27 ayes, 15 nays, 1 present and not voting, and 6 excused and not voting.

MOTION - Approve Appointment

Mr. Kremer moved the adoption of the report of the Public Works Committee for the following Governor appointment found in the Journal on page 1875: Roy A. Smith - State Highway Commission.

Voting in the affirmative, 40:

Apking
Barrett
Beutler
Beyer
Burrows
Carsten
Chambers
Chronister
Clark
Cope
Cullan
Dworak
Fenger
Fowler
Goll
Goodrich
Haberman
Hefner
Hoagland
Johnson, L.
Kahle
Kilgarin
Koch
Kremer
Landis
Marsh
Newell
Nichol
Peterson, H.
Peterson, R.
Pirsch
Remmers
Rumery
Sieck
Stoney
Von Minden
Wagner
Warner
Wesely
Wiitala

Voting in the negative, 0.

Present and not voting, 3:

Duda
Johnson, V.
Lamb

Excused and not voting, 6:

DeCamp
Higgins
Labedz
Marvel
Schmit
Vickers

The appointment was confirmed with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

MOTION - Suspend Rules and Adopt Resolutions

Mr. Wesely moved to suspend Rule 4 Section 5 and 6 and adopt LR 382, 383, 385, 387, 388, and 389.

The Wesely motion prevailed with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 381. Read. Considered.

LR 381 was adopted with 37 ayes, 0 nays, and 12 not voting.

LEGISLATIVE RESOLUTION 386. Read. Considered.

LR 386 was adopted with 33 ayes, 0 nays, and 16 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1982, at 8:47 p.m., was the following bill: 928.

(Signed) Hazel Kaltenberger, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to add his name to LR 237. No objections. So ordered.

MOTION - Disposition of Bills

Mr. Rumery moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Session Laws and Journals

Mr. Duda moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf Session Laws and of the permanent Journal and Session Laws.

The motion prevailed.

MOTION - Enrollment and Review Chairperson

Mr. Dworak moved that we present Karen Kilgarin with a briefcase, in appreciation of her serving as Chairperson of Enrollment and Review.

The motion prevailed.

Mr. Dworak presented the briefcase to Miss Kilgarin.

MOTION - Appreciation to Presiding Officer

Mr. Burrows moved that as evidence of our sincere appreciation for our presiding officer, Lt. Governor Roland A. Luedtke, for the fair and impartial performance of his duties, that we present a plaque of Nebraska as an emblem of his having served as presiding officer.

The motion prevailed.

MOTION - Appreciation to Speaker

Mr. Stoney moved that as evidence of our sincere appreciation for our presiding officer, the Speaker Richard D. Marvel, for the fair and impartial performance of his duties, that we present a plaque of Nebraska as an emblem of his having served as Speaker.

The motion prevailed.

MOTION - Advise Governor

Mr. Cope moved that a committee of five be appointed to advise the Governor that the Eighty-Seventh Legislature, Second Session of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Hefner, Warner, Kahle, Goodrich, and Mrs. Pirsch to serve on said Committee.

The Committee returned and escorted Governor Charles Thone to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

VISITORS

Visitors to the Chamber were 37 fourth grade students and teachers from Knickerem School, Grand Island; 9 students and teacher from District 14, Oakland; and Gary Stover, UN-L mascot.

MOTION - Sine Die

Mr. Kremer moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Eighty-Seventh Legislature, Second Session of the Legislature having finished all business before it, now at 9:59 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

COMMUNICATIONS

April 16, 1982

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

RE: LB 761

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 761, with a certificate attached thereto, signed by the President of the Legislature, certifying the passage of a certain line-item veto as set forth on the attached Certificate, notwithstanding the objections of the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/pb
c.c. Governor Thone

CERTIFICATE

Legislative Bill 761, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden said line-item vetoes as follows:

Section 25, Department of Public Institutions Program No. 424-Community Mental Retardation pages 43, 44, 45.
Section 26, Department of Public Welfare Program No. 347-Public Assistance page 48.

This provision has become law this 19th day of April, 1982.

(Signed) Roland A. Luedtke, Lt. Governor
President of the Legislature

April 19, 1982

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

RE: LB 754

Inasmuch as the Legislature did not override the line-item veto by Governor Thone on LB 754, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO/ja
c.c. Governor Thone

MESSAGES FROM THE SECRETARY OF STATE

April 19, 1982

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

Re: LB 761, Eighty-Seventh Legislature, Second Session

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on April 19, 1982 at 2:30 p.m., LB 761. Along with LB 761, I hereby acknowledge receipt of your cover letter and a signed certificate by Roland Luedtke, Presiding Officer and President of the Legislature, the contents of which are as follows:

> "Legislative Bill 761, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden said line-item vetoes as follows:
>
> Section 25, Department of Public Institutions Program No. 424-Community Mental Retardation pages 43, 44, 45.
>
> Section 26, Department of Public Welfare Program No. 347-Public Assistance page 48.
>
> This provision has become law this 19th day of April, 1982."

Further, I hereby acknowledge that LB 761, cover letter, certificate, and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 761, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the Constitutional majority, has overridden said line-item vetoes as follows:

> Section 25, Department of Public Institutions Program No. 424-Community Mental Retardation pages 43, 44, 45.
> Section 26, Department of Public Welfare Program No. 347-Public Assistance page 48.

This provision has become law this 19th day of April, 1982.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this nineteenth day of April in the year of our Lord, one thousand nine hundred and eighty-two.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

April 19, 1982

Patrick J. O'Donnell
Clerk of the Legislature
Unicameral Legislature
State Capitol Building
Lincoln, Nebraska

Re: LB 754, Eighty-Seventh Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 754.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 754 passed by the Eighty-Seventh Legislature, Second Session, was signed by Governor Charles Thone on April 14, 1982, but with certain items having been line item vetoed.

Further I hereby certify that in as much as the Legislature did not override the line item veto by Governor Thone and in as much as the Bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 754 will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this nineteenth day of April in the year of our Lord, one thousand nine hundred and eighty-two.

(SEAL) (Signed) Allen J. Beermann, Secretary of State

MESSAGES FROM THE GOVERNOR

April 20, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Engrossed Legislative Bills 522, 602, 602A, 759, 787, 799, 799A, 868, 928, and Reengrossed Legislative Bills 255, 255A, 404, 404A, 547, and 933 were received in my office on April 16, 1982.

These bills were signed by me on April 20, 1982 and delivered to the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 20, 1982

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. O'Donnell:

Reengrossed Legislative Bills 212 and 212A were delivered to my office on April 16, 1982.

These bills were signed by me on April 20, 1982 and filed with the Secretary of State.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:mh

April 20, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 412 without my signature and with my objections.

LB 412 substantially changes the current Homestead Exemption Act. Among other provisions, LB 412 imposes an income test on the disabled including veterans reducing their eligibility for the program. Additionally, LB 412 opens an entire area of new eligibility at the last legislative moment for disabled renters at an unknown but likely large future cost without floor debate.

Since the implementation date of this act falls after the forthcoming 1983 legislative session, the concept underlying this bill can be and should be deliberated more fully at that time.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:pt

April 20, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 488 without my signature and with my objections.

In these times of declining revenues, the Constitutional Officers and Judges must share in our efforts to keep state spending at a minimum.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:jkd

April 20, 1982

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

On April 20, 1982, I signed and approved LB 816 which I have forwarded to the Secretary of State for filing. I have signed LB 816A but have exercised my line item veto authority to reduce the appropriation and herein state my objections.

LB 816 substantially changes the distribution of state aid to local governments that existed under the local government revenue fund and government subdivision fund.

Among the changes made in LB 816, certain local governments which participated under the original formula such as educational service units, fire districts, cemetery districts, and others are now excluded under the new act. In information distributed by the Revenue Committee, these districts will receive some $3.5 million in state aid this fiscal year. Next fiscal year these funds are reallocated to increase the funding available to other local governments — principally school districts and municipalities.

Using the Revenue Committee figures as supplied by county officials, school districts will receive almost $3.4 million more in FY 82/83 than in FY 81/82 and municipalities $483,000 more. This happens at a time when, as reported by the State Auditor, a good percentage of these funds had been unbudgeted by them.

While signing LB 816 and LB 816A, I disagree that such increases over and above the amounts already allocated should occur. Such increases, while for some they may slightly ease the real pain of the losses caused by the new distribution formula, also provide unnecessary and — in light of the state's current difficult fiscal situation — unjustified windfalls to others.

I have, therefore, line-item reduced the allocation to schools by $3,368,000, and municipalities by $483,000.

Sincerely,
(Signed) CHARLES THONE
Governor

CT:jkb

MESSAGES FROM THE SECRETARY OF STATE

April 21, 1982

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Re: Legislative Bill No. 412
Eighty-seventh Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 412.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 412, passed by the Eighty-Seventh Legislature, Second Session, was returned by Governor Charles Thone without his signature and with his objections.

Further, I hereby certify that, inasmuch as the Legislature did not override the Governor's veto, the bill cannot and will not become law.

Finally, I hereby certify that Legislative Bill 412, with a copy of the Governor's letter of objections, dated April 20, 1982 is on file and a matter of record in the office of the Secretary of State.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-two.

(SEAL) Allen J. Beermann, Secretary of State

April 21, 1982

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Re: Legislative Bill 488
Eighty-seventh Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 488.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 488, passed by the Eighty-Seventh Legislature, Second Session, was returned by Governor Charles Thone without his signature and with his objections.

Further, I hereby certify that, inasmuch as the Legislature did not override the Governor's veto, the bill cannot and will not become law.

Finally, I hereby certify that Legislative Bill 488, with a copy of the Governor's letter of objections, dated April 20, 1982 is on file and a matter of record in the office of the Secretary of State.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-two.

(SEAL) Allen J. Beermann, Secretary of State

April 21, 1982

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Re: Legislative Bill 816 A
Eighty-seventh Legislature, Second Session

Dear Mr. O'Donnell:

Enclosed herewith is my certification in reference to Legislative Bill 816A.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 816 A, passed by the Eighty-Seventh Legislature, Second Session, was signed by Governor Charles Thone on April 20, 1982, but with certain items line item vetoed.

Further, I hereby certify that inasmuch as the Legislature did not override the line item veto by Governor Thone and inasmuch as the bill has been filed in the office of the Secretary of State in the form and amounts as approved by the Governor, I hereby certify that said Bill 816 A will become effective as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-two.

(SEAL) Allen J. Beermann, Secretary of State

ATTORNEY GENERAL'S OPINION

Opinion No. 254
April 16, 1982

Dear Senator Clark:

You have called our attention to LB 734, which will not be acted upon this session, but which you anticipate will be introduced again next year. You ask us for our opinion as to its constitutional validity. We believe it is constitutionally suspect in two respects.

The bill would amend Neb.Rev.Stat. §77-202 (Supp. 1980) to provide in part:

> Transmission and distribution lines, transformers, and associated substation facilities within the State of Nebraska owned by nonprofit cooperative corporations and associations which are used or useful for the transmission and distribution of electric power and energy shall be exempt from taxation, except that any such lines, transformers, and facilities which were assessed and taxed in 1979 shall continue to be taxed based upon the 1979 assessment of such lines, transformers and facilities.

The exemption of such personal property owned by nonprofit cooperative corporations and associations would, we believe, be authorized by Article VIII, Section 2 of the Nebraska Constitution, which authorizes the Legislature to classify personal property in such manner as it sees fit, and to exempt any of such classes. We read into that provision a qualification that the classes must be reasonable, but we believe the designated class of property owned by the specified types of owners would qualify as reasonable.

The problem with the bill is in the exception. Article III, Section 18 of the Constitution forbids unreasonable classification, and we are unable to detect any valid legislative reason for exempting such property which was not taxed in 1979, and taxing permanently all such property that was taxed in that year.

We call your attention to our Opinion No. 82, issued April 24, 1981, in which we dealt with a somewhat similar problem. We reached the conclusion that a permanent exemption from sales and use tax for new equipment purchased for installation in a factory construction of which began after July 1, 1981, while denying such exemption to factories started before that date constituted unreasonable classification.

The classification involved in LB 734 is even more unreasonable. The argument could be made that giving a special privilege to a facility constructed after the passage of the bill would tend to encourage someone to construct it. Here the exemption would be given to equipment installed after January 1, 1979, but before the effective date, or even the passage, of the bill. How could the exemption possibly have had any influence on the installation of the equipment? Yet, that equipment would be given the exemption. We are not suggesting that making the cut-off date after the passage of the bill would cure the defect (we don't think it would), but are simply pointing out that there is no readily apparent reason at all for the classification.

The provision about taxing the property excepted from the exemption "based upon the 1979 assessments of such lines, transformers, and facilities," very clearly violates the uniformity provision of Article VIII, Section 1 of the Constitution. As we understand that language, such property would continue to be given the same assessed value it was given in 1979, regardless of depreciation, obsolescence, inflation, or any other factor affecting value. It would be assessed differently from other taxable property. We do not believe that authorization of Article VIII, Section 2 of the Constitution for the Legislature to classify and exempt personal property was intended to remove nonexempt personal property from the uniformity requirements of Article VIII, Section 1. In our opinion dated April 11, 1979, Opinions of the Attorney General 1979-80, page 124, we concluded that a provision that no governmental subdivision should thereafter receive less revenue from the taxation of railroads than it did in 1978 violated the uniformity clause of the Constitution. LB 734 contains a similar defect.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:jmf
f3
cc: Patrick O'Donnell
Clerk of the Legislature

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-seventh Legislature, Second Session and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 26, 1982
Lincoln, Nebraska

INDEXES FOR LEGISLATIVE JOURNAL

EIGHTY-SEVENTH LEGISLATURE

SECOND SESSION
1982

CONTENTS

Chronology of Bills..2041
Legislative Bills Introduced
    By Senators..2217
    By Committees......................................2249
Bills and Resolutions Heard by Committees..................2255
Summary of Legislative Bills...............................2259
General Index..2263
Subject Index..1-73
Section Index..1-19

Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

CHRONOLOGY OF BILLS

EIGHTY-SEVENTH LEGISLATURE
SECOND SESSION
1982

LEGISLATIVE BILL 8 By Cullan

Jan. 6	Title	3
Jan. 7	Laid over	140
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 25 By Haberman

Jan. 6	Title	3
Feb. 11	Indefinitely postponed	678

LEGISLATIVE BILL 32 By Vickers, Von Minden

Jan. 6	Title	3
Jan. 6	Vickers amendment printed	118
Jan. 7	Committee amendments adopted as amended by Nichol. Vickers pending amendment adopted. Beutler amendment adopted. Advanced for Review	153
Jan. 18	Placed on Select File	315
Jan. 26	E and R amendments adopted. Vickers-Von Minden-Beutler amendment adopted. Advanced for Engrossment	432
Jan. 28	Correctly Engrossed	445
Feb. 3	Final Reading	515
Feb. 3	Stoney explanation of vote	534
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-8)	613

LEGISLATIVE BILL 32A By Vickers

Jan. 6	Title	3
Jan. 7	Failed to advance for Review	154
Jan. 26	Vickers motion to withdraw laid over	418
Feb. 1	Vickers pending motion prevailed. Withdrawn	487

LEGISLATIVE BILL 36 By Agriculture and Environment Committee

Jan. 6 Title.......................................3
Jan. 15 Committee amendments adopted.
Advanced for Review.......................308
Jan. 19 Correction.................................330
Jan. 20 Placed on Select File......................391
Feb. 24 Failed to advance for Engrossment..............837
Mar. 19 Failed to advance for Engrossment.
Indefinitely postponed.......................1307

LEGISLATIVE BILL 36A By Schmit

Feb. 24 Read first time. Placed on General File.........845
Mar. 22 Schmit motion to indefinitely
postpone prevailed...........................1344

LEGISLATIVE BILL 53 By Sieck

Jan. 6 Title.......................................3
Apr. 16 Indefinitely postponed.......................2023

LEGISLATIVE BILL 69 By Marsh

Jan. 6 Title.......................................4
Jan. 6 Special Order...............................118
Jan. 12 Marsh amendment printed......................253
Jan. 13 Marsh pending amendment adopted.
Advanced for Review.......................259
Jan. 19 Placed on Select File......................350
Jan. 19 Marsh amendment printed......................369
Jan. 25 Marsh amendment printed......................396
Jan. 29 E and R amendments adopted. Marsh pending
amendment p. 369 withdrawn. Marsh
pending amendment (1) and (2) p. 396
adopted. Advanced for Engrossment.........480
Feb. 4 Correctly Engrossed. E and R change...........540
Feb. 11 Failed on Final Reading.......................651
Feb. 16 Marsh amendment printed......................683
Feb. 17 Marsh motion to reconsider laid over...........719
Feb. 19 Marsh amendment printed......................780
Feb. 23 Marsh pending motion p. 719 prevailed.........810
Mar. 5 Marsh pending amendment p. 683
withdrawn. Returned to Select File
for Marsh amendment. Marsh
pending amendment p. 780 adopted.
Advanced for Re-Engrossment..............1017
Mar. 15 Correctly Re-Engrossed........................1151

Mar. 18	Final Reading	1252
Mar. 18	Kilgarin explanation of vote. President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 75 By Constitutional Revision and Recreation Committee

Jan. 6	Title	4
Jan. 12	Passed over	233
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 75A By Labedz

Jan. 6	Title	4
Jan. 12	Passed over	233
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 89 By Marsh

Jan. 6	Title	4
Apr. 7	Marsh amendment printed	1780
Apr. 13	Marsh pending amendment withdrawn. Marsh-Haberman motion to suspend rules lost. Dworak motion to reconsider Marsh-Haberman motion prevailed. Marsh pending motion withdrawn. Marsh motion to return to Select File ruled out of order-amendment not germane	1877
Apr. 14	Final Reading	1930
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Returned by Governor without approval	1978

LEGISLATIVE BILL 89A By Marsh

Jan. 6	Title	4
Jan. 13	Marsh amendment printed	264
Apr. 7	Marsh amendment printed	1775
Apr. 14	Marsh pending amendments pp. 264 and 1775 withdrawn. Failed on Final Reading	1931

LEGISLATIVE BILL 94 By Beutler

Jan. 6 Title..4
Jan. 8 Committee amendments adopted.
Failed to advance for Review.................180
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 97 By Administrative Rules and Regulations Review Committee

Jan. 6 Title..4
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 98 By Vickers, Wesely

Jan. 6 Title..5
Jan. 12 Passed over....................................250
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 115 By Fowler

Jan. 6 Title..5
Jan. 11 Passed over....................................225
Jan. 28 Moved from Passed Over to General File.......448
Feb. 1 Committee amendment adopted as amended
by Barrett. Advanced for Review............495
Feb. 3 Placed on Select File..........................531
Feb. 5 E and R amendments adopted.
Advanced for Engrossment..................578
Feb. 9 Correctly Engrossed...........................608
Feb. 10 Attorney General's Opinion....................629
Apr. 14 Hefner motion withdrawn.
Final Reading...............................1921
Apr. 14 Wiitala motion to reconsider laid over.........1950
Apr. 16 Wiitala pending motion lost...................2011

LEGISLATIVE BILL 115A By Fowler

Jan. 6 Title..5
Jan. 11 Passed over....................................225
Jan. 11 Fowler amendment printed.....................226
Jan. 28 Moved from Passed Over to General File.......448
Feb. 1 Fowler pending amendment adopted.
Advanced for Review.......................496
Feb. 3 Placed on Select File..........................531
Feb. 5 E and R amendments adopted.
Advanced for Engrossment..................579
Feb. 9 Correctly Engrossed...........................608

Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 117 By Newell

Jan. 6	Title	5
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 126 By DeCamp

Jan. 6	Title	5
Jan. 11	Passed over	225
Jan. 13	Moved from Passed Over to General File	256
Jan. 14	Chambers amendment lost. Committee amendments adopted. Advanced for Review	288
Jan. 14	Beutler amendment printed	289
Jan. 19	Placed on Select File	351
Jan. 29	Beutler amendment printed	472
Feb. 10	E and R amendments adopted. Beutler pending amendment p. 289 withdrawn. Beutler pending amendment p. 472 adopted	621
Feb. 10	Sieck-L. Johnson-Beutler amendment adopted. Chambers amendment lost. Advanced for Engrossment	623
Feb. 16	Correctly Engrossed. E and R changes	687
Feb. 18	Attorney General's Opinion	735
Mar. 5	Chambers motion lost. Final Reading	1004
Mar. 5	Speaker signed	1020
Mar. 5	Presented to Governor	1025
Mar. 11	Approved by Governor (3-10)	1146

LEGISLATIVE BILL 127 By Sieck

Jan. 6	Title	5
Jan. 7	Placed on General File	152
Jan. 20	Sieck amendment printed	382
Jan. 28	Sieck pending amendment renewed	449
Jan. 28	Clark amendment printed	450
Jan. 29	Sieck pending amendment p. 382 adopted. Haberman motion withdrawn. Haberman amendment adopted. Clark pending amendment adopted. Advanced for Review	469
Feb. 2	Placed on Select File	507
Mar. 4	E and R amendments adopted. Advanced for Engrossment	978
Mar. 10	Correctly Engrossed. E and R changes	1082
Mar. 17	Returned to Select File for Kahle	

	amendment. Kahle amendment adopted. Advanced for Re-Engrossment	1217
Mar. 17	Correctly Re-Engrossed. E and R changes	1241
Mar. 23	Returned to Select File for Kahle amendment. Kahle amendment adopted. Advanced for Re-Engrossment	1367
Mar. 24	Correctly Re-Engrossed. E and R changes	1396
Mar. 29	Attorney General's Opinion	1421
Apr. 1	Attorney General's Opinion	1596
Apr. 6	Final Reading	1671
Apr. 7	President signed	1760
Apr. 7	Presented to Governor	1763
Apr. 13	Approved by Governor (4-13)	1874

LEGISLATIVE BILL 127A By Sieck

Jan. 13	Read first time. Placed on General File	272
Jan. 20	Sieck amendment printed	383
Jan. 29	Sieck pending amendment withdrawn. Sieck motion to indefinitely postpone lost. Haberman objected to Sieck unanimous consent to pass over. Sieck amendment adopted. Advanced for Review	471
Feb. 2	Placed on Select File	508
Feb. 9	Sieck amendment printed	606
Mar. 4	E and R amendment adopted. Sieck pending amendment p. 606 withdrawn. Advanced for Engrossment	978
Mar. 10	Correctly Engrossed	1082
Apr. 6	Final Reading	1672
Apr. 7	President signed	1760
Apr. 7	Presented to Governor	1763
Apr. 13	Approved by Governor (4-13)	1874

LEGISLATIVE BILL 131 By Newell

Jan. 6	Title	6
Jan. 6	Newell amendment printed	95
Jan. 6	Notice of hearing (1-12)	127
Jan. 12	Placed on General File	249
Feb. 2	Newell pending amendment withdrawn. Committee amendments adopted. Advanced for Review	510
Feb. 4	Placed on Select File	551
Feb. 5	E and R amendments adopted.	

	Advanced for Engrossment	579
Feb. 9	Correctly Engrossed	608
Feb. 19	Final Reading	761
Feb. 19	Haberman explanation of vote	774
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Feb. 22	Approved by Governor (2-19)	792

LEGISLATIVE BILL 135 By Burrows

Jan. 6	Title	6
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 137 By Remmers

Jan. 6	Title	6
Jan. 14	Notice of hearing (1-25). Rehearing	296
Feb. 16	Placed on General File	688
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 139 By Marsh

Jan. 6	Title	7
Jan. 12	Marsh amendment to Committee amendment printed	239
Jan. 13	Committee amendment adopted as amended by Marsh pending amendment. Advanced for Review	263
Jan. 19	Placed on Select File	350
Jan. 19	E and R changes	351
Jan. 29	Advanced for Engrossment	475
Feb. 3	Correctly Engrossed	531
Feb. 8	Marsh amendment printed	590
Feb. 11	Returned to Select File for Marsh amendment. Marsh pending amendment p. 590 adopted. Advanced for Re-Engrossment	650
Feb. 16	Correctly Re-Engrossed	687
Feb. 25	Final Reading	849
Feb. 25	Speaker signed	867
Feb. 25	Presented to Governor	876
Mar. 3	Koch explanation of vote	941
Mar. 4	Approved by Governor (3-2)	964

LEGISLATIVE BILL 139A By Marsh

Jan. 6 Title 7
Jan. 13 Marsh amendment adopted.
Advanced for Review 263
Jan. 19 Placed on Select File 350
Jan. 19 E and R changes 352
Jan. 29 Advanced for Engrossment 475
Feb. 3 Correctly Engrossed 531
Feb. 25 Final Reading 849
Feb. 25 Speaker signed 867
Feb. 25 Presented to Governor 876
Mar. 4 Approved by Governor (3-2) 964

LEGISLATIVE BILL 142 By V. Johnson

Jan. 6 Title 7
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 148 By Public Works Committee

Jan. 6 Title 7
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 149 By Kahle

Jan. 6 Title 7
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 152 By Hoagland

Jan. 6 Title 7
Mar. 1 Indefinitely postponed 886

LEGISLATIVE BILL 153 By Sieck

Jan. 6 Title 8
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 162 By Speaker Marvel at request of Governor

Jan. 6 Title 8
Mar. 17 Indefinitely postponed 1244

LEGISLATIVE BILL 164 By Speaker Marvel at request of Governor

Jan. 6 Title 8
Mar. 17 Indefinitely postponed 1244

LEGISLATIVE BILL 169 By Hefner, Fowler

Jan. 6 Title....................................8
Jan. 7 Hefner motion to withdraw laid over 140
Jan. 8 Hefner pending motion prevailed. Withdrawn....164

LEGISLATIVE BILL 176 By Newell

Jan. 6 Title....................................8
Jan. 7 Passed over..............................140
Apr. 16 Indefinitely postponed.......................2023

LEGISLATIVE BILL 180 By Landis, DeCamp, Fowler

Jan. 6 Title....................................8
Jan. 7 Landis amendment printed 143
Jan. 8 Passed over..............................167
Apr. 16 Indefinitely postponed.......................2023

LEGISLATIVE BILL 180A By Landis

Jan. 6 Title....................................9
Jan. 7 Landis amendment printed 143
Jan. 8 Passed over..............................167
Apr. 16 Indefinitely postponed.......................2023

LEGISLATIVE BILL 183 By Lamb

Jan. 6 Title....................................9
Jan. 29 Indefinitely postponed.......................465

LEGISLATIVE BILL 192 By Maresh, Remmers, Vickers

Jan. 6 Title....................................9
Jan. 6 Vickers amendment printed.....................118
Jan. 6 Vickers name added 127
Jan. 12 Committee amendments adopted. Kilgarin-Hoagland-Vickers pending amendment withdrawn. Vickers pending amendment p. 118 adopted. Beutler amendment adopted. Advanced for Review 247
Jan. 19 Placed on Select File 350
Jan. 28 Warner amendment printed.....................461
Jan. 28 Vickers amendment to Warner pending amendment printed 462
Jan. 29 E and R amendments adopted. Warner pending amendment p. 461 adopted as amended

	by Warner amendment. Vickers pending amendment p. 462 withdrawn. Advanced for Engrossment	479
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	541
Feb. 11	Final Reading	654
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 198 By Government, Military and Veterans Affairs Committee

Jan. 6	Title	9
Jan. 7	Committee amendments adopted. Warner pending amendments pp. 810 and 861, First Session, withdrawn. Advanced for Review	140
Jan. 7	Warner amendment printed	143
Jan. 18	Placed on Select File	311
Jan. 27	Warner amendment printed	441
Jan. 29	E and R amendments adopted. Warner pending amendments pp. 143 and 441 withdrawn. Warner amendment adopted. Advanced for Engrossment	475
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	541
Feb. 11	Final Reading	655
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 202 By Chambers, Dworak

Jan. 6	Title	10
Jan. 12	Passed over	246
Feb. 18	Chambers priority bill. Special Order. Moved from Passed Over to General File	753
Feb. 24	Special Order	845
Mar. 15	DeCamp-Beutler amendment adopted	1167
Mar. 15	Beutler-DeCamp amendment lost	1169
Mar. 15	Marsh motion to indefinitely postpone laid over	1170

Mar. 15 Attorney General's Opinion 1170
Mar. 16 DeCamp amendments printed....................1189
Mar. 17 Marsh pending motion p. 1170 withdrawn. Haberman-Hefner-Labedz motion to indefinitely postpone prevailed 1224
Mar. 18 Chambers motion to reconsider laid over.......1249
Mar. 24 Chambers pending motion lost. Chambers motion to reconsider pending.....1396
Apr. 1 Chambers pending motion withdrawn. Chambers motion to suspend rules lost 1561
Apr. 13 Attorney General's Opinion 1880

LEGISLATIVE BILL 208 By Education Committee

Jan. 6 Title..10
Jan. 15 Committee amendments adopted as amended by Koch. Advanced for Review..............306
Jan. 20 Placed on Select File 391
Jan. 25 Remmers amendment printed 411
Feb. 2 Remmers amendment printed 512
Feb. 24 Laid over......................................837
Mar. 3 Koch amendment printed.......................959
Mar. 4 Laid over......................................978
Mar. 10 Koch amendment printed......................1100
Mar. 10 Vickers amendment printed...................1110
Mar. 11 E and R amendments adopted. Remmers pending amendments pp. 411 and 512 withdrawn. Koch pending amendment p. 959 withdrawn. Vickers pending amendment p. 1110 withdrawn. Koch pending amendment p. 1100 adopted as amended by Vickers-Remmers-Lamb amendment (1) and (2). Advanced for Engrossment 1143
Mar. 17 Correctly Engrossed. E and R changes 1226
Mar. 22 Koch-Beutler amendment printed...............1355
Mar. 23 Koch-Beutler motion lost.......................1367
Mar. 23 Final Reading 1369
Mar. 24 President signed 1395
Mar. 24 Koch motion to have Governor return bill laid over. Presented to Governor 1402
Mar. 29 Koch pending motion prevailed 1441
Mar. 29 Communication.................................1442
Mar. 29 Chambers explanation of vote 1443

Mar. 29 Stoney explanation of vote 1453
Mar. 29 Returned to Legislature by Governor 1454
Mar. 29 Labedz motion to suspend rules lost 1455
Mar. 29 Communication 1457
Mar. 29 Returned to Governor by Legislature 1458
Apr. 5 Approved by Governor (3-29) 1609

LEGISLATIVE BILL 210 By Vickers

Jan. 6 Title 10
Jan. 12 Placed on General File 243
Feb. 2 Passed over 510
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 210A By Vickers

Jan. 15 Read first time. Placed on General File 307
Feb. 2 Passed over 510
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 211 By Newell

Jan. 6 Title 10
Feb. 3 Newell motion to withdraw laid over 534
Feb. 4 Newell pending motion prevailed. Withdrawn 553

LEGISLATIVE BILL 212 By V. Johnson

Jan. 6 Title 10
Jan. 14 Committee amendments adopted.
Advanced for Review 300
Jan. 20 Placed on Select File 390
Jan. 29 V. Johnson amendment printed 481
Feb. 10 E and R amendment adopted. V. Johnson
pending amendment adopted.
Advanced for Engrossment 630
Feb. 16 Correctly Engrossed 687
Feb. 16 E and R changes 688
Apr. 8 Cullan-V. Johnson amendment printed 1823
Apr. 13 Cullan-V. Johnson pending amendment p. 1823
withdrawn. Returned to Select File
for Cullan amendment 1889
Apr. 13 Cullan pending amendment adopted.
Advanced for Re-Engrossment 1890
Apr. 13 Correctly Re-Engrossed 1903
Apr. 13 E and R changes 1904

Apr. 16	Final Reading	1966
Apr. 16	President signed	1978
Apr. 16	Presented to Governor	1993
Apr. 26	Approved by Governor (4-20)	2030

LEGISLATIVE BILL 212A By V. Johnson

Jan. 7	Read first time	133
Jan. 7	Placed on General File	160
Feb. 1	V. Johnson amendment adopted. Advanced for Review	494
Feb. 3	Placed on Select File	531
Feb. 10	E and R amendment adopted. Advanced for Engrossment	630
Feb. 16	Correctly Engrossed	687
Apr. 8	Cullan-V. Johnson amendment printed	1825
Apr. 13	Cullan-V. Johnson pending amendment withdrawn. Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment	1890
Apr. 13	Cullan motion to return to Select File ruled out of order - amendment not germane	1891
Apr. 13	Correctly Re-Engrossed	1903
Apr. 16	Final Reading	1967
Apr. 16	President signed	1978
Apr. 16	Presented to Governor	1993
Apr. 26	Approved by Governor (4-20)	2030

LEGISLATIVE BILL 215 By Chronister

Jan. 6	Title	11
Jan. 7	Committee amendment adopted. Advanced for Review	156
Jan. 14	V. Johnson-Landis amendment printed	297
Jan. 18	Placed on Select File	315
Feb. 5	Laid over	569
Feb. 10	E and R amendment adopted. V. Johnson-Landis pending amendment p. 297 withdrawn. V. Johnson-Landis-Chronister amendment adopted. Advanced for Engrossment	617
Feb. 16	Correctly Engrossed	687
Feb. 16	E and R changes	688
Feb. 25	Returned to Select File for Landis amendment	850

Feb. 25 Landis pending amendment adopted.
Advanced for Re-Engrossment 873
Mar. 3 Correctly Re-Engrossed 926
Mar. 11 Final Reading 1114
Mar. 11 President signed 1143
Mar. 11 Presented to Governor 1147
Mar. 16 Approved by Governor (3-15) 1180

LEGISLATIVE BILL 219 By Sieck

Jan. 6 Title 11
Apr. 26 Indefinitely postponed 2023

LEGISLATIVE BILL 222 By Public Works Committee

Jan. 6 Title 11
Mar. 1 Indefinitely postponed 886

LEGISLATIVE BILL 226 By Haberman

Jan. 6 Title 11
Jan. 12 Passed over 251
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 226A By Haberman

Jan. 6 Title 12
Jan. 12 Passed over 251
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 229 By Telecommunications Committee

Jan. 6 Title 12
Jan. 8 Advanced for Review 179
Jan. 19 Placed on Select File 336
Jan. 28 Advanced for Engrossment 449
Feb. 1 Correctly Engrossed 486
Feb. 3 Schmit motion to suspend rules prevailed 516
Feb. 3 Final Reading 516
Feb. 4 Speaker signed 544
Feb. 4 Presented to Governor 561
Feb. 10 Approved by Governor (2-8) 613

LEGISLATIVE BILL 230 By Fowler

Jan. 6	Title	12
Jan. 12	Passed over	241
Feb. 4	Vickers amendment printed	546
Feb. 16	Moved from Passed Over to General File	705
Feb. 18	Sieck name added	756
Feb. 22	Marvel priority bill	806
Feb. 23	Committee amendments adopted. Clark motion to indefinitely postpone lost. Vickers pending amendment p. 546 adopted. Beutler and Vickers amendments adopted. Goodrich amendment lost. Failed to advance for Review	817
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 231 By Fowler

Jan. 6	Title	12
Jan. 12	Committee amendment adopted. Advanced for Review	250
Jan. 14	Attorney General's Opinion	280
Jan. 19	Placed on Select File	350
Jan. 29	E and R amendment adopted. Fowler amendment adopted. Advanced for Engrossment	480
Feb. 1	Correction	485
Feb. 4	Correctly Engrossed	540
Feb. 11	Final Reading	656
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 233 By Maresh, Schmit, Hefner, R. Peterson, Sieck

Jan. 6	Title	12
Jan. 13	Committee amendments adopted. Schmit amendment adopted. Failed to advance for Review	275
Jan. 14	DeCamp amendment printed	282
Mar. 4	Schmit amendment printed	986
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 237 By Wesely

Jan. 6	Title	12
Feb. 4	Wesely motion to withdraw laid over	546
Feb. 9	Wesely pending motion prevailed. Withdrawn	604

LEGISLATIVE BILL 239 By Labedz, L. Johnson

Jan. 6	Title	13
Jan. 13	Committee amendments adopted. Kahle pending amendment adopted. Advanced for Review	265
Jan. 19	Placed on Select File	350
Jan. 26	Vickers-Koch amendment printed	432
Jan. 27	Vickers amendment printed	443
Jan. 29	E and R amendments adopted. Vickers-Koch pending amendment p. 432 withdrawn. Vickers pending amendment p. 443 adopted. Advanced for Engrossment	481
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	541
Feb. 11	Final Reading	656
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-17)	791

LEGISLATIVE BILL 240 By Pirsch, Kilgarin

Jan. 6	Title	13
Feb. 4	Placed on General File	561
Apr. 23	Indefinitely postponed	2023

LEGISLATIVE BILL 242 By Nichol

Jan. 6	Title	13
Apr. 6	Labedz amendment printed	1668
Apr. 13	Labedz motion to suspend rules lost	1892
Apr. 14	Laid over	1932
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 251 By Beutler

Jan. 6	Title	13
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 255 By Hefner, Von Minden, Fitzgerald, Wagner, DeCamp, Chronister, Wesely, Fowler

Jan. 6	Title	13
Jan. 12	Hefner-Wagner amendment printed	249
Jan. 20	Committee amendment lost. Hefner-Wagner pending amendment adopted.	

	Advanced for Review	392
Jan. 25	Placed on Select File	395
Feb. 5	E and R amendments adopted. Advanced for Engrossment	578
Feb. 9	Correctly Engrossed. E and R change	600
Apr. 13	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	1897
Apr. 13	Correctly Re-Engrossed	1905
Apr. 16	Final Reading	1968
Apr. 16	President signed	1978
Apr. 16	Presented to Governor	1993
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 255A By Wagner, Hefner, Von Minden

Jan. 25	Read first time. Placed on General File	404
Feb. 2	Advanced for Review	504
Feb. 2	R. Peterson explanation of vote	513
Feb. 4	Placed on Select File	549
Feb. 5	Advanced for Engrossment	578
Feb. 9	Correctly Engrossed	608
Apr. 13	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	1897
Apr. 13	Correctly Re-Engrossed	1905
Apr. 16	Final Reading	1969
Apr. 16	President signed	1978
Apr. 16	Presented to Governor	1993
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 258A By Hefner

Jan. 6	Title	13
Jan. 8	Hefner pending motion to withdraw prevailed	179

LEGISLATIVE BILL 259 By Newell, Wesely

Jan. 6	Title	14
Jan. 14	Education Committee amendment printed	289
Jan. 14	Beutler name added	290
Jan. 14	Notice of hearing (1-26). Rehearing	301
Feb. 3	Placed on General File	537
Feb. 16	Labedz name added	704
Feb. 16	Fowler name added	710

Feb. 17	Wiitala and Kilgarin names added	718
Feb. 17	DeCamp name added	733
Feb. 18	Haberman amendment printed	745
Feb. 18	Hoagland name added	753
Feb. 19	Koch name added	759
Feb. 22	Marvel priority bill	806
Feb. 24	DeCamp amendment printed	833
Feb. 24	Special Order	845
Mar. 3	Goll amendment (1) to Committee amendment adopted. Goll amendment (2) to Committee amendment pending	943
Mar. 3	Goll pending amendment (2) lost. Committee amendment adopted as amended by Koch. Pending amendment p. 289 withdrawn. Haberman pending amendment p. 745 lost. DeCamp pending amendment p. 833 withdrawn. Advanced for Review	947
Mar. 5	Placed on Select File	1006
Mar. 11	E and R amendments adopted. Advanced for Engrossment	1132
Mar. 16	Haberman amendment printed	1206
Mar. 16	Correctly Engrossed. E and R changes	1207
Mar. 22	Haberman motion withdrawn. Final Reading	1333
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 261 By Public Health and Welfare Committee

Jan. 6	Title	14
Jan. 12	Passed over	240
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 263 By Public Health and Welfare Committee

Jan. 6	Title	14
Jan. 14	Committee amendment adopted as amended by Warner. Advanced for Review	293
Jan. 20	Placed on Select File	390
Jan. 29	E and R amendments adopted. Advanced for Engrossment	475
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	541

Feb. 11	Final Reading	657
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 264 By Public Health and Welfare Committee

Jan. 6	Title	14
Jan. 8	Advanced for Review	175
Jan. 18	Placed on Select File	315
Jan. 28	E and R amendments adopted. Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	517
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 267 By R. Peterson

Jan. 6	Title	15
Jan. 12	Passed over	240
Jan. 13	R. Peterson amendment printed	268
Jan. 14	Moved from Passed Over to General File	292
Jan. 20	Committee amendment adopted. R. Peterson pending amendment p. 268 withdrawn. R. Peterson amendment adopted. Advanced for Review	391
Jan. 25	Placed on Select File	395
Feb. 1	R. Peterson amendment printed	496
Feb. 5	Fowler amendment printed	572
Mar. 1	E and R amendments adopted. R. Peterson pending amendment p. 496 adopted. Fowler pending amendment p. 572 withdrawn. Advanced for Engrossment	919
Mar. 4	Correctly Engrossed	977
Mar. 16	Final Reading	1183
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 269 By Hefner, R. Peterson, DeCamp, Von Minden, Chronister

Jan. 6 Title..15
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 270 By Burrows

Jan. 6 Title..15
Jan. 26 Committee amendments adopted.
Newell amendment pending..................420
Jan. 27 Newell pending amendment adopted.
Barrett motion to indefinitely
postpone prevailed..........................436
Jan. 28 Cullan motion to reconsider laid over...........450
Feb. 4 Cullan pending motion lost......................544

LEGISLATIVE BILL 274 By Banking, Commerce and Insurance Committee

Jan. 6 Title..15
Jan. 7 Committee amendments adopted.
Advanced for Review........................140
Jan. 18 Placed on Select File..........................314
Jan. 20 Sieck amendment printed........................392
Jan. 25 Remmers amendment printed......................412
Jan. 26 E and R amendment adopted. Sieck
pending amendment p. 392 withdrawn.
Remmers pending amendment p. 412
adopted. Higgins amendment lost.
Sieck motion to indefinitely
postpone laid over..........................421
Feb. 5 Sieck pending motion lost.
DeCamp amendment adopted.
Advanced for Engrossment..................563
Feb. 9 Correctly Engrossed............................600
Feb. 9 E and R change.................................601
Feb. 19 Final Reading..................................762
Feb. 19 Higgins and Haberman explanations
of votes....................................774
Feb. 19 Speaker signed.................................785
Feb. 22 Presented to Governor..........................791
Feb. 22 Approved by Governor (2-19)....................792

LEGISLATIVE BILL 274A By DeCamp

Jan. 6 Title..15
Jan. 7 DeCamp amendment adopted.
Advanced for Review........................141
Jan. 18 Placed on Select File..........................314

Feb. 5	DeCamp amendment adopted. Advanced for Engrossment	569
Feb. 9	Correctly Engrossed. E and R change	608
Feb. 19	Final Reading	763
Feb. 19	Haberman explanantion of vote	774
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Feb. 22	Approved by Governor (2-19)	792

LEGISLATIVE BILL 278 By Goodrich, Hefner, H. Peterson

Jan. 6	Title	15
Jan. 13	Committee amendment adopted as amended by Beutler. Warner motion to indefinitely postpone lost	276
Jan. 14	Advanced for Review	288
Jan. 19	Placed on Select File	351
Jan. 26	Goodrich-Beutler amendment printed	417
Feb. 10	E and R amendments adopted. Goodrich-Beutler pending amendment adopted. Advanced for Engrossment	621
Feb. 16	Correctly Engrossed	687
Feb. 16	E and R changes	688
Apr. 14	Final Reading	1922
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 281 By Chambers

Jan. 6	Title	16
Jan. 11	Passed over	222
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 287 By Rumery

Jan. 6	Title	16
Jan. 6	Rumery amendment printed	93
Jan. 6	Notice of hearing (1-12)	127
Jan. 13	Placed on General File	273
Feb. 2	Committee amendment adopted as amended by Fowler. Rumery pending amendment p. 93 withdrawn. Rumery amendment adopted. Advanced for Review	512
Feb. 4	Placed on Select File	551
Feb. 5	E and R amendments adopted.	

Advanced for Engrossment..................579
Feb. 9 Correctly Engrossed............................608
Feb. 19 Final Reading..............................764
Feb. 19 Haberman explanation of vote..................774
Feb. 19 Speaker signed..............................785
Feb. 22 Presented to Governor.........................791
Feb. 22 Approved by Governor (2-19)..................792

LEGISLATIVE BILL 300 By Fowler

Jan. 6 Title...16
Feb. 10 Fowler motion laid over........................622
Apr. 16 Indefinitely postponed.........................2023

LEGISLATIVE BILL 301 By Chronister

Jan. 6 Title...16
Mar. 1 Indefinitely postponed..........................899

LEGISLATIVE BILL 304 By Beutler

Jan. 6 Title...16
Jan. 12 Committee amendment adopted.
Advanced for Review.......................251
Jan. 19 Placed on Select File..........................350
Feb. 10 Beutler amendment adopted.
Advanced for Engrossment..................619
Feb. 16 Correctly Engrossed............................687
Feb. 25 Carsten-Warner motion to return to Select File
pending. Duda motion to hold
over for action on LR 215 prevailed
as amended by Warner.....................851
Feb. 25 DeCamp motion withdrawn. Carsten-Warner
pending motion to return
to Select File lost..........................867
Feb. 25 Final Reading..............................869
Feb. 25 Speaker signed..............................879
Mar. 1 Presented to Governor.........................886
Mar. 4 Approved by Governor (3-2)..................964

LEGISLATIVE BILL 305 By Beutler

Jan. 6 Title...16
Jan. 13 Advanced for Review..........................263
Jan. 19 Placed on Select File..........................350
Feb. 16 Vickers amendment withdrawn. Beutler amendment

	lost. Failed to advance for Engrossment	704
Feb. 24	Laid over	836
Mar. 4	Laid over	978
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 309 By Wiitala

Jan. 6	Title	16
Jan. 11	Advanced for Review	223
Jan. 19	Placed on Select File	336
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed. E and R change	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	518
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 314 By Higgins

Jan. 6	Title	17
Jan. 28	Higgins amendment printed	456
Feb. 2	Committee amendment adopted as amended by Higgins pending amendment p. 456. Advanced for Review	509
Feb. 4	Placed on Select File	550
Feb. 5	E and R amendments adopted. Advanced for Engrossment	579
Feb. 9	Correctly Engrossed	608
Feb. 19	Final Reading	765
Feb. 19	Haberman explanation of vote	774
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Feb. 22	Approved by Governor (2-19)	792

LEGISLATIVE BILL 319 By Education Committee

Jan. 6	Title	17
Jan. 12	Indefinitely postponed	243

LEGISLATIVE BILL 335 By Marsh

Jan. 6	Title	17
Jan. 15	Committee amendments adopted. Advanced for Review	303
Jan. 15	Marsh amendment printed	307

Jan. 20 Placed on Select File 390
Jan. 29 E and R amendment adopted. Laid over 484
Feb. 1 Landis amendment printed 490
Feb. 10 Marsh pending amendment p. 307 adopted 635
Feb. 16 DeCamp amendment printed 713
Feb. 17 Landis amendment printed 731
Feb. 24 Landis pending amendment p. 490 withdrawn. DeCamp pending amendment p. 713 adopted. Landis amendment p. 731 pending. Laid over 837
Feb. 24 Landis amendment to Landis pending amendment p.731 adopted 844
Mar. 1 Attorney General's Opinion 892
Mar. 1 Landis pending amendment p. 731 adopted. DeCamp-Beutler motion to indefinitely postpone prevailed 919

LEGISLATIVE BILL 338 By Koch

Jan. 6 Title 17
Jan. 12 Committee amendments adopted. V. Johnson amendment lost 241
Jan. 12 Failed to advance for Review 245
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 340 By Hoagland

Jan. 6 Title 17
Jan. 12 Committee amendments adopted. Failed to advance for Review 247
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 341 By Hoagland

Jan. 6 Title 18
Jan. 12 Committee amendments adopted. Failed to advance for Review 249
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 347 By Law Enforcement and Justice Advisory Committee

Jan. 6 Title 18
Jan. 7 Committee amendment adopted. Beutler amendments (1) and (2) adopted 157
Jan. 8 Beutler amendment adopted. Chambers

	amendment adopted as amended by Kilgarin. Advanced for Review	166
Jan. 18	Placed on Select File	315
Jan. 20	Nichol amendment printed	381
Jan. 27	E and R amendments adopted. Nichol pending amendment p. 381 adopted. Beutler amendment adopted. Sieck-L. Johnson amendment lost. L. Johnson-Sieck amendment withdrawn as amended by Beutler. Chambers amendment withdrawn. Advanced for Engrossment	438
Feb. 1	Correctly Engrossed. E and R change	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	519
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 348 By Hoagland

Jan. 6	Title	18
Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 349 By Haberman

Jan. 6	Title	18
Jan. 26	Passed over	419
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 353 By Nichol

Jan. 6	Title	18
Jan. 15	Committee amendments adopted. Advanced for Review	306
Jan. 20	Placed on Select File	391
Jan. 29	Advanced for Engrossment	475
Feb. 2	Correctly Engrossed	500
Feb. 5	Nichol amendment printed	572
Feb. 11	Returned to Select File for Nichol amendment. Nichol pending amendment p. 572 adopted. Advanced for Re-Engrossment	648
Feb. 16	Correctly Re-Engrossed	687
Feb. 25	Final Reading	869
Feb. 25	Speaker signed	879
Mar. 1	Presented to Governor	886
Mar. 4	Approved by Governor (3-2)	964

LEGISLATIVE BILL 358 By Schmit

Jan. 6	Title	18
Feb. 16	Notice of hearing (2-22). Rehearing	682
Feb. 17	DeCamp amendment printed	722
Feb. 22	Marvel priority bill	806
Mar. 1	Placed on General File	881
Mar. 18	Landis-DeCamp amendment to Committee amendment printed	1263
Apr. 6	Schmit amendment printed	1698
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 359 By Newell

Jan. 6	Title	19
Jan. 7	Passed over	145
Jan. 7	Newell-Hoagland-Landis amendment printed	146
Jan. 7	Notice of hearing (1-13)	152
Jan. 15	Move from Passed Over to General File	307
Jan. 26	Committee amendment adopted. Newell-Hoagland-Landis pending amendment p. 146 withdrawn. Advanced for Review	419
Jan. 28	Placed on Select File	452
Jan. 28	Landis amendment printed	464
Mar. 3	Landis-Hoagland-Newell-Beutler-Fenger amendment to Landis pending amendment p. 464 printed	952
Mar. 4	E and R amendments adopted. Landis pending amendment p.464 adopted as amended by Landis et al amendment. Advanced for Engrossment	978
Mar. 15	Correctly Engrossed. E and R changes	1151
Mar. 18	Final Reading	1253
Mar. 18	Kilgarin explanation of vote. President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 364 By Chambers

Jan. 6	Title	19
Jan. 29	Special order	478
Feb. 2	Committee amendments adopted as amended by Kremer pending amendment. Newell motion to indefinitely postpone prevailed. Chambers motion to reconsider lost	505

LEGISLATIVE BILL 365 By Wesely

Jan. 6	Title	19
Feb. 23	Placed on General File	821
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 370 By Goll

Jan. 6	Title	19
Jan. 15	Committee amendments adopted. Advanced for Review	303
Jan. 20	Placed on Select File	390
Jan. 29	E and R amendments adopted. Advanced for Engrossment	475
Feb. 4	Correctly Engrossed	540
Feb. 11	Final Reading	658
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 372 By Koch

Jan. 6	Title	19
Mar. 1	Placed on General File	908
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 372A By Koch

Mar. 8	Read first time. Placed on General File	1038
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 373 By Remmers

Jan. 6	Title	19
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 375 By Schmit, Kremer, Koch

Jan. 6	Title	19
Jan. 12	Schmit amendment printed	232
Jan. 13	Special Order	273
Jan. 19	Vickers amendment to Schmit amendment lost	342
Jan. 19	Beutler and Vickers amendments lost	352
Jan. 19	Vickers amendment printed	370
Jan. 20	Vickers pending amendment p. 370,	

	Sec. 1 withdrawn. Hoagland amendments lost. Schmit pending amendment p. 232, 1 and 2 adopted	375
Jan. 20	Vickers pending amendment p. 370, Sec. 3 withdrawn. Hoagland amendments lost. Vickers pending amendment p. 370, Sec. 10, 11, 12, 13 withdrawn. Schmit pending amendment p. 232, Sec. 3-13 adopted. Vickers-Schmit-Kremer-Beutler amendment to Sec. 14 adopted. Vickers pending amendment p. 370, Sec. 15 withdrawn. Schmit pending amendment p. 232, Sec. 14-23 adopted. Advanced for Review	379
Jan. 25	Placed on Select File	394
Jan. 25	E and R changes	395
Feb. 10	Hoagland amendments printed	636
Feb. 18	Cullan amendment printed	752
Feb. 24	E and R amendments adopted. Kremer amendment adopted. Hoagland pending amendments (1) and (2) p. 636 lost	830
Feb. 24	Hoagland pending amendments (3) and (4) p. 636 withdrawn. Hoagland pending amendment (5) p. 636 lost. Cullan pending amendment p. 752 withdrawn. Advanced for Engrossment	834
Feb. 24	Lamb explanation of vote	838
Mar. 1	Correctly Engrossed	896
Mar. 5	Final Reading	1016
Mar. 5	Speaker signed	1020
Mar. 5	DeCamp explanation of vote. Presented to Governor	1025
Mar. 11	Approved by Governor (3-11)	1146

LEGISLATIVE BILL 378 By Public Health and Welfare Committee

Jan. 6	Title	20
Jan. 14	Marsh pending amendment adopted. Cullan amendment adopted. Wesely motion to return to committee lost. Wesely motion to indefinitely postpone laid over	294
Jan. 18	Wesely pending motion to indefinitely postpone lost	326
Jan. 19	Special Order	370

Jan. 25	Wesely amendments (1) and (2) lost	399
Jan. 25	Wesely amendments (3) (4) (5) lost	404
Jan. 25	Cullan-Marsh amendment pending. Hoagland amendment to Cullan-Marsh pending amendment lost	408
Jan. 26	Cullan-Marsh pending amendment p. 408 adopted. Advanced for Review	417
Jan. 28	Placed on Select File	451
Feb. 18	Cullan amendment printed	753
Feb. 19	Attorney General's Opinion	774
Feb. 24	Wesely and R. Peterson amendments printed	844
Mar. 1	E and R amendment adopted. Newell amendment lost. Wesely motion to indefinitely postpone lost	920
Mar. 3	DeCamp amendment printed	931
Mar. 4	Wesely amendment lost. Cullan pending amendment p. 753 adopted. Wesely and R. Peterson pending amendments p. 844 withdrawn. Cullan amendment adopted. DeCamp pending amendment p. 931 withdrawn. Advanced for Engrossment	975
Mar. 15	Correctly Engrossed. E and R changes	1177
Apr. 1	Wesely amendment printed	1577
Apr. 5	Higgins-Labedz-Rumery-Kremer amendment printed	1659
Apr. 13	Wesely and Higgins motions to return to Select File lost. Cullan motion to suspend rules lost. Schmit motion to return to Select File withdrawn	1847
Apr. 13	Final Reading	1849
Apr. 13	President signed	1855
Apr. 13	Presented to Governor	1860
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 378A By Cullan

Mar. 10	Read first time. Placed on General File	1092
Mar. 15	Expedite. Advanced for Review	1173
Mar. 16	Placed on Select File	1192
Apr. 5	Wesely-Warner amendment lost. Advanced for Engrossment	1630
Apr. 6	Correctly Engrossed	1680
Apr. 13	Final Reading	1850
Apr. 13	President signed	1855
Apr. 13	Presented to Governor	1860

Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 380 By Nichol

Jan. 6	Title	20
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 383 By Warner

Jan. 6	Title	20
Feb. 22	Committee amendments adopted as amended by Beutler. Warner amendment adopted. Advanced for Review	794
Feb. 24	Placed on Select File	826
Mar. 1	E and R amendment adopted. Nichol amendment adopted. Advanced for Engrossment	905
Mar. 4	Correctly Engrossed. E and R changes	977
Mar. 5	Nichol amendment printed	1014
Mar. 16	Returned to Select File for Nichol amendment	1183
Mar. 16	Nichol pending amendment p. 1014 adopted. Advanced for Re-Engrossment	1184
Mar. 17	Correctly Re-Engrossed	1241
Mar. 23	Final Reading	1370
Mar. 24	President signed	1395
Mar. 24	Presented to Governor	1402
Mar. 29	Stoney explanation of vote	1453
Mar. 30	Approved by Governor (3-29)	1462

LEGISLATIVE BILL 386 By Beutler

Jan. 6	Title	21
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 387 By Rumery

Jan. 6	Title	21
Jan. 7	Fowler amendment printed	142
Jan. 11	Passed over	222
Jan. 14	Moved from Passed Over to General File	292
Jan. 28	Special order	448
Feb. 1	H. Peterson motion lost. Fowler pending amendment p. 142 withdrawn. Failed to advance for Review	488
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 395 By Fowler

Jan. 6	Title	21
Feb. 24	Indefinitely postponed	839

LEGISLATIVE BILL 399 By Goodrich

Jan. 6	Title	21
Feb. 24	Indefinitely postponed	839

LEGISLATIVE BILL 400 By Lamb, Kremer

Jan. 6	Title	21
Jan. 13	Passed over	260
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 401 By Lamb, Koch

Jan. 6	Title	21
Jan. 13	Committee amendments adopted. DeCamp motion to indefinitely postpone pending	265
Jan. 13	DeCamp pending motion lost. Failed to advance for Review	269
Apr. 16	Attorney General's Opinion	1959
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 402 By Nichol

Jan. 6	Title	21
Jan. 15	Committee amendments adopted. Advanced for Review	309
Jan. 20	Placed on Select File	391
Feb. 5	Advanced for Engrossment	578
Feb. 9	Correctly Engrossed	600
Feb. 19	Final Reading	766
Feb. 19	Haberman explanation of vote	774
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Feb. 22	Approved by Governor (2-19)	792

LEGISLATIVE BILL 403 By V. Johnson

Jan. 6	Title	22
Jan. 8	Committee amendments adopted. Advanced for Review	179
Jan. 19	Placed on Select File	333
Jan. 28	E and R amendments adopted.	

Advanced for Engrossment 449
Feb. 1 Correctly Engrossed. 486
Feb. 3 Schmit motion to suspend rules prevailed 516
Feb. 3 Final Reading 519
Feb. 4 Speaker signed 544
Feb. 4 Presented to Governor 561
Feb. 10 Approved by Governor (2-9) 613

LEGISLATIVE BILL 404 By Marvel, Fowler, DeCamp, Maresh, Rumery, Wesely

Jan. 6 Title. 22
Apr. 13 Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment 1881
Apr. 13 Correctly Re-Engrossed. E and R changes 1903
Apr. 16 Beutler motion to return to Select File withdrawn. Fowler motion to overrule Chair pending. 1970
Apr. 16 Fowler pending motion lost 1979
Apr. 16 Final Reading 1980
Apr. 16 President signed 2000
Apr. 16 Presented to Governor 2017
Apr. 26 Approved by Governor (4-20) 2029

LEGISLATIVE BILL 404A By Fowler

Jan. 6 Read first time. Placed on General File 88
Jan. 11 Fowler amendment printed 223
Mar. 22 Fowler pending amendment adopted. Advanced for Review 1344
Mar. 23 Placed on Select File 1377
Apr. 5 E and R amendment adopted. Advanced for Engrossment 1631
Apr. 6 Correctly Engrossed. 1680
Apr. 13 Returned to Select File for Warner amendment . 1882
Apr. 13 Warner pending amendment adopted. Advanced for Re-Engrossment 1883
Apr. 13 Correctly Re-Engrossed. 1903
Apr. 13 E and R changes 1904
Apr. 16 Final Reading 1981
Apr. 16 President signed 2000
Apr. 16 Presented to Governor 2017
Apr. 26 Approved by Governor (4-20) 2029

LEGISLATIVE BILL 408 By DeCamp

Jan. 6	Title	22
Jan. 19	Notice of hearing (2-10). Reset	347
Feb. 5	DeCamp amendment printed	571
Feb. 19	Beyer priority bill	788
Feb. 22	Placed on General File	796
Feb. 25	Chambers amendment printed	875
Mar. 5	Kremer amendment printed	1027
Mar. 16	Chambers amendment printed	1193
Mar. 16	Kremer amendment printed	1201
Mar. 29	Committee amendments pending	1455
Mar. 29	Committee amendments adopted. Chambers pending amendment p. 875 withdrawn. Kremer pending amendment p. 1027 ruled not germane	1456
Mar. 30	Beutler and Cullan amendments to Kremer amendment (1) lost. Kremer amendment (1) adopted. Kremer amendment (2) ruled not germane	1484
Mar. 30	Wesely motion to indefinitely postpone lost. Kremer pending amendment p. 1201 withdrawn. Chambers pending amendment p. 1193 adopted. DeCamp pending amendment p. 571 withdrawn. DeCamp motion to suspend rules lost	1494
Mar. 30	Cullan and Beutler amendments lost. Beutler amendment adopted. Advanced for Review	1501
Apr. 1	Placed on Select File	1571
Apr. 1	Cullan-Wesely amendment printed	1582
Apr. 5	Haberman amendment printed	1613
Apr. 7	DeCamp-Beyer amendment printed	1760
Apr. 8	Beyer amendment printed	1848
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 410 By Landis

Jan. 6	Title	22
Jan. 13	Committee amendments adopted. Advanced for Review	275
Jan. 19	Placed on Select File	350
Jan. 28	V. Johnson amendment printed	460
Feb. 10	E and R amendments adopted. Landis amendment adopted. V. Johnson pending amendment p. 460 adopted. Advanced for Engrossment	620

Feb. 16 Correctly Engrossed............................687
Feb. 16 E and R changes..............................688
Feb. 24 Landis amendment printed 838
Feb. 25 Returned to Select File for Landis amendment. Landis pending amendment p. 838 adopted. Advanced for Re-Engrossment 870
Mar. 3 Correctly Re-Engrossed.........................926
Mar. 11 Final Reading...............................1115
Mar. 11 President signed............................1143
Mar. 11 Presented to Governor.......................1147
Mar. 16 Approved by Governor (3-15) 1180

LEGISLATIVE BILL 412 By Newell

Oct. 30 Attorney General's Opinion ....1981 Special Session p. 32
Jan. 6 Title...22
Apr. 13 Returned to Select File for Labedz-Carsten amendment. Labedz-Carsten amendment adopted. Advanced for Re-Engrossment..............1883
Apr. 13 Returned to Select File for DeCamp amendment 1898
Apr. 13 DeCamp pending amendment p. 1898 adopted. Advanced for Re-Engrossment 1899
Apr. 13 Correctly Re-Engrossed. E and R changes......1905
Apr. 16 Labedz-Wagner motion to return to Select File lost. Newell motion to lay over prevailed......................1982
Apr. 16 Final Reading...............................2004
Apr. 16 Correctly Enrolled. President signed............2015
Apr. 16 Presented to Governor.......................2017
Apr. 26 Returned by Governor without approval........2030
Apr. 26 Letter 2032
Apr. 26 Certificate 2033

LEGISLATIVE BILL 413 By Chambers

Jan. 6 Title...23
Jan. 7 Committee amendment adopted. Advanced for Review.......................145
Jan. 7 H. Peterson explanation of vote................150
Jan. 18 Placed on Select File 314
Jan. 26 Hoagland amendment adopted. Advanced for Engrossment..................429
Jan. 28 Correctly Engrossed. E and R change...........445
Feb. 3 Returned to Select File for DeCamp amendment. DeCamp amendment lost. Readvanced to

	Final Reading	528
Feb. 3	Final Reading	529
Feb. 8	Chambers motion to reconsider laid over	592
Feb. 17	Chambers pending motion lost	719
Apr. 14	Chambers motion to suspend rules laid over	1944

LEGISLATIVE BILL 414 By Chambers

Jan. 6	Title	23
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 415 By Public Health and Welfare Committee

Jan. 6	Title	23
Jan. 12	Passed over	241
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 416 By Cullan

Jan. 6	Title	23
Jan. 12	Indefinitely postponed	240

LEGISLATIVE BILL 417 By Cullan

Jan. 6	Title	23
Jan. 12	Committee amendments (1-3-4-5-6) lost. Committee amendment (2) adopted. Marsh amendment adopted. Advanced for Review	233
Jan. 19	Placed on Select File	336
Jan. 28	E and R amendments adopted as amended by Warner. Advanced for Re-Engrossment	456
Feb. 2	Correctly Engrossed	500
Feb. 2	E and R change	501
Feb. 11	Returned to Select File for Warner amendment	648
Feb. 11	Warner pending amendment p. 648 adopted. Advanced for Re-Engrossment	649
Feb. 16	Correctly Re-Engrossed	687
Feb. 25	Returned to Select File for Cullan amendment	870
Feb. 25	Cullan pending amendment p. 870 adopted. Advanced for Re-Engrossment	871
Mar. 3	Correctly Re-Engrossed	926
Mar. 11	Final Reading	1116
Mar. 11	President signed	1143
Mar. 11	Presented to Governor	1147
Mar. 16	Approved by Governor (3-15)	1180

LEGISLATIVE BILL 418 By Cullan

Jan. 6	Title	24
Jan. 12	Advanced for Review	240
Jan. 19	Placed on Select File	339
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	520
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 421 By Banking, Commerce and Insurance Committee

Jan. 6	Title	24
Jan. 12	Committee amendments adopted. Advanced for Review	234
Jan. 12	Dworak amendment printed	244
Jan. 19	Placed on Select File	338
Jan. 28	E and R amendment adopted. Dworak pending amendment p. 244 withdrawn. Cullan amendment adopted. Advanced for Engrossment	463
Feb. 2	Correctly engrossed	500
Feb. 2	E and R change	501
Feb. 4	Schmit amendments printed	548
Feb. 11	Returned to Select File for Schmit amendment. Schmit pending amendment p. 548 adopted. Advanced for Re-Engrossment	665
Feb. 11	Returned to Select File for Schmit amendment. Schmit pending amendment p. 549 adopted. Advanced for Re-Engrossment	666
Feb. 16	Correctly Re-Engrossed	687
Feb. 18	Attorney General's Opinion	739
Feb. 25	Final Reading	871
Mar. 3	DeCamp motion to reconsider laid over	941
Mar. 10	DeCamp pending motion p. 941 prevailed	1083
Mar. 10	Landis-Schmit amendment printed	1093
Mar. 17	Returned to Select File for Landis-Schmit amendment	1223
Mar. 17	Landis-Schmit pending amendment p. 1093 adopted. Advanced for Re-Engrossment	1224
Mar. 17	Correctly Re-Engrossed. E and R change	1241

Mar. 23	Final Reading	1371
Mar. 24	President signed	1395
Mar. 24	Presented to Governor	1402
Mar. 29	Stoney explanation of vote	1453
Mar. 30	Approved by Governor (3-29)	1462

LEGISLATIVE BILL 423 By Hoagland, Sieck

Jan. 6	Title	24
Jan. 12	Committee amendments adopted. Advanced for Review	246
Jan. 19	Placed on Select File	349
Jan. 28	E and R amendment adopted. Advanced for Engrossment	450
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	521
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 11	Approved by Governor (2-10)	652

LEGISLATIVE BILL 424 By Rumery

Jan. 6	Title	24
Jan. 12	Passed over	241
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 426 By Dworak

Jan. 6	Title	24
Jan. 11	Dworak motion to withdraw prevailed	222

LEGISLATIVE BILL 428 By V. Johnson

Jan. 6	Title	25
Jan. 28	V. Johnson amendment printed	458
Mar. 5	V. Johnson pending amendment p. 1904, First Session, withdrawn. Returned to Select File for V. Johnson amendment. V. Johnson pending amendment p. 458 adopted. Advanced for Re-Engrossment	1007
Mar. 15	Correctly Engrossed	1151
Mar. 18	Returned to Select File for Beutler amendment. Beutler amendment adopted. Advanced for Re-Engrossment	1254
Mar. 18	Burrows motion to return to Select	

File withdrawn 1255
Mar. 19 Correctly Engrossed. E and R changes 1316
Mar. 30 V. Johnson motion to return to Select File lost 1472
Mar. 30 Final Reading 1477
Mar. 31 President signed 1510
Mar. 31 Presented to Governor 1535
Apr. 1 Approved by Governor (4-1) 1610

LEGISLATIVE BILL 429 By Fowler

Jan. 6 Title...25
Feb. 22 Indefinitely postponed...........................805

LEGISLATIVE BILL 431 By Newell

Jan. 6 Title...25
Jan. 8 Committee amendment adopted as amended by Hefner. Advanced for Review 175
Jan. 8 DeCamp amendment printed....................185
Jan. 18 Placed on Select File 316
Jan. 26 Labedz amendment printed.....................430
Jan. 28 DeCamp pending amendment p. 185 withdrawn. Beutler amendment to DeCamp amendment lost. Labedz pending amendment p. 430 adopted. Advanced for Engrossment 455
Feb. 2 Fenger amendment printed 508
Feb. 4 Correctly Engrossed............................540
Feb. 4 E and R change...............................541
Feb. 11 Fenger pending amendment p. 508 withdrawn. Returned to Select File for Newell amendment.....................666
Feb. 16 Correction 681
Feb. 17 Newell pending amendment p. 666 withdrawn. Readvanced to Final Reading. Returned to Select File for Labedz amendment. Labedz amendment adopted. Advanced for Re-Engrossment 717
Feb. 18 Correctly Re-Engrossed.........................734
Feb. 25 Final Reading 872
Feb. 25 Speaker signed 879
Mar. 1 Presented to Governor 886
Mar. 4 Approved by Governor (3-2) 964

LEGISLATIVE BILL 432 By Hoagland

Jan. 6	Title	25
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 435 By Urban Affairs Committee

Jan. 6	Title	25
Jan. 6	Landis removed priority bill	111
Jan. 28	Committee amendment adopted as amended by Landis. Advanced for Review	448
Feb. 1	Placed on Select File	493
Feb. 16	Landis-Fenger-Duda-Remmers-Higgins amendment printed	713
Mar. 4	E and R amendments adopted. Landis et al pending amendment p. 713 adopted. Advanced for Engrossment	978
Mar. 15	Correctly Engrossed	1177
Mar. 18	Beutler motion to return to Select File lost	1255
Mar. 18	Final Reading	1256
Mar. 18	President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 440 By Kilgarin

Jan. 6	Title	26
Jan. 11	Committee amendments adopted. Failed to advance for Review	225
Jan. 29	Special Order	478
Feb. 2	Wiitala pending amendment adopted. Advanced for Review	504
Feb. 4	Placed on Select File	549
Feb. 5	E and R amendments adopted. Advanced for Engrossment	579
Feb. 5	Haberman explanation of vote	580
Feb. 9	Correctly Engrossed	608
Feb. 19	Final Reading	766
Feb. 19	Haberman explanation of vote. Koch name added	774
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Mar. 1	Approved by Governor (2-25)	886

LEGISLATIVE BILL 442 By Nichol, Chambers, Sieck, Chronister, Beyer, Von Minden

Jan. 6	Title	26
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 443 By Wiitala

Jan. 6	Title	26
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 444 By Government, Military and Veterans Affairs Committee

Jan. 6	Title	27
Jan. 12	Passed over	241
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 448 By Performance Review and Audit Committee

Jan. 6	Title	27
Jan. 14	Committee amendments adopted as amended by Warner. Lamb pending amendment lost. Advanced for Review	290
Jan. 20	Placed on Select File	388
Jan. 28	Warner amendment printed	462
Jan. 29	E and R amendments adopted. Warner pending amendment p. 462 adopted. Warner amendment adopted. Advanced for Engrossment	483
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	542
Feb. 11	Final Reading	659
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 449 By Performance Review and Audit Committee

Jan. 6	Title	27
Jan. 14	Committee amendments adopted as amended by Warner. Advanced for Review	291
Jan. 20	Placed on Select File	388

Jan. 29	E and R amendments adopted. Warner amendment adopted. Advanced for Engrossment	483
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R changes	543
Feb. 11	Returned to Select File for Warner amendment	660
Feb. 23	Warner amendment printed	820
Mar. 4	Warner pending amendment p. 660 withdrawn. Readvanced to Final Reading. Clark motion to return to Select File for Warner pending amendment p. 820 lost	992
Mar. 4	Wesely motion to reconsider laid over	1001
Mar. 9	Vickers amendment printed	1066
Mar. 16	Vickers motion to return to Select File lost. Final Reading	1186
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 450 By Performance Review and Audit Committee

Jan. 6	Title	27
Jan. 14	Committee amendments adopted as amended by Warner. Advanced for Review	293
Jan. 20	Placed on Select File	389
Jan. 29	E and R amendments adopted. Warner amendment adopted. Advanced for Engrossment	484
Feb. 3	Correctly Engrossed. E and R change	531
Feb. 11	Final Reading	650
Feb. 16	President signed	682
Feb. 16	Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 454 By Carsten

Jan. 6	Title	28
Jan. 12	Advanced for Review	251
Jan. 19	Placed on Select File	350
Jan. 25	Fowler amendment printed	398
Jan. 27	Carsten-Warner amendment printed	442
Feb. 5	Fowler pending amendment p. 398 lost. Carsten-Warner pending amendment p. 442 adopted. Warner amendment lost. Advanced for Engrossment	569

Feb. 9	Correctly Engrossed. E and R change	608
Feb. 10	Newell amendment printed	637
Feb. 19	Newell motion to return to Select File for pending amendment. Newell pending amendment p. 637 withdrawn. Carsten motion to return to Select File lost. Newell motion to return to Select File to reoffer pending amendment. Newell pending amendment p. 637 withdrawn	767
Feb. 19	Final Reading	769
Feb. 19	Marvel and Carsten explanations of votes	778
Feb. 19	Speaker signed	785
Feb. 22	Presented to Governor	791
Feb. 22	Approved by Governor (2-19)	792

LEGISLATIVE BILL 455 By Fowler

Jan. 6	Title	28
Jan. 8	Haberman amendment printed	182
Jan. 11	Passed over	223
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 456 By Wesely

Jan. 6	Title	28
Jan. 29	Notice of hearing (2-18). Rehearing	466
Feb. 25	Placed on General File	862
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 458 By Nebraska Retirement Systems Commitee

Jan. 6	Title	29
Jan. 6	Fowler amendment printed	91
Jan. 6	Notice of hearing (1-12). Rehearing	127
Feb. 11	Placed on General File	673
Feb. 19	Nebraska Retirement Systems Committee priority bill	787
Mar. 4	DeCamp-Apking amendment printed	965
Mar. 4	DeCamp-Apking amendment printed	970
Mar. 8	Fowler amendment printed	1053
Mar. 16	Passed over	1188
Mar. 18	Moved from Passed Over to General File	1275
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 461 By Nebraska Retirement Systems Committee

Jan. 6 Title.......................................29
Feb. 24 Indefinitely postponed..........................839

LEGISLATIVE BILL 464 By Nebraska Retirement Systems Committee

Jan. 6 Title.......................................29
Feb. 24 Indefinitely postponed..........................839

LEGISLATIVE BILL 465 By Pirsch

Jan. 6 Title.......................................29
Jan. 6 Pirsch amendment printed.......................89
Jan. 8 Pirsch pending amendment adopted.
Landis-Wagner motion lost.
Advanced for Engrossment.................167
Jan. 8 Haberman explanation of votes................175
Jan. 18 Placed on Select File 315
Jan. 26 Pirsch amendment printed......................431
Jan. 28 E and R amendments adopted. Pirsch pending
amendment p. 431 adopted as amended
by Beutler. Advanced for Engrossment.......455
Feb. 2 Correctly Engrossed............................500
Feb. 2 E and R changes..................................501
Feb. 11 Final Reading.....................................649
Feb. 16 President signed..................................682
Feb. 16 Presented to Governor..........................703
Feb. 22 Approved by Governor (2-19) 791

LEGISLATIVE BILL 467 By Barrett

Jan. 6 Title.......................................30
Feb. 10 Placed on General File.........................630
Apr. 16 Indefinitely postponed.........................2023

LEGISLATIVE BILL 472A By Hoagland

Jan. 6 Title.......................................30
Jan. 7 Fenger amendment printed 155
Jan. 11 Stoney motion to bracket lost. Education
Committee motion to recommit to
Committee prevailed.......................220
Jan. 11 Notice of hearing (1-25)........................221

Feb. 4	Indefinitely postponed	553

LEGISLATIVE BILL 473 By Cullan

Jan. 6	Title	30
Jan. 18	Indefinitely postponed	320

LEGISLATIVE BILL 474 By Constitutional Revision and Recreation Committee

Jan. 6	Title	30
Jan. 12	Indefinitely postponed	240

LEGISLATIVE BILL 480 By Hoagland, Beyer

Jan. 6	Title	30
Feb. 19	Hoagland priority bill	788
Feb. 24	Placed on General File	840
Mar. 5	Sieck name added	1022
Mar. 16	Committee amendments adopted. Advanced for Review	1189
Mar. 19	Placed on Select File	1277
Mar. 19	Hoagland-Beyer-Sieck amendment printed	1314
Apr. 7	E and R amendment adopted. Hoagland-Beyer-Sieck pending amendment adopted. Advanced for Engrossment	1777
Apr. 8	Correctly Engrossed	1832
Apr. 14	Lamb motion to suspend rules prevailed. V. Johnson motion to return to Select File withdrawn. Final Reading	1918
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 488 By Goodrich

Jan. 6	Title	31
Mar. 24	Goodrich amendment printed	1397
Apr. 8	Fowler amendment printed	1841
Apr. 13	Goodrich motion to return to Select File lost. Fowler pending amendment p. 1841 withdrawn. Returned to Select File for DeCamp amendment	1883
Apr. 13	DeCamp pending amendment adopted. Advanced for Engrossment	1885

Apr. 13	Returned to Select File for Goodrich amendment	1899
Apr. 13	Goodrich pending amendment p. 1899 adopted. Advanced for Engrossment	1901
Apr. 13	Correctly Engrossed. E and R change	1903
Apr. 14	Correction	1907
Apr. 16	Attorney General's Opinion	1982
Apr. 16	Von Minden motion to return to Select File lost	1984
Apr. 16	Final Reading	1985
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Returned by Governor without approval	2031
Apr. 26	Letter	2033
Apr. 26	Certificate	2034

LEGISLATIVE BILL 488A By Goodrich

Jan. 11	Read first time. Placed on General File	227
Feb. 3	Failed to advance for Review	534
Mar. 22	Goodrich motion to indefinitely postpone lost. Advanced for Review	1344
Mar. 23	Placed on Select File	1377
Mar. 29	Goodrich amendment printed	1444
Apr. 5	E and R amendment adopted. Goodrich pending amendment lost. Kahle amendment lost. Failed to advance for Review	1631
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 490 By Goodrich

Jan. 6	Title	31
Jan. 12	Advanced for Review	240
Jan. 19	Placed on Select File	339
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Wesely motion to return to Select File withdrawn. Final Reading	522
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-8)	613

LEGISLATIVE BILL 492 By Kahle

Jan. 6	Title	31
Jan. 8	Kahle amendment adopted. Advanced for Review	178
Jan. 19	Placed on Select File	333
Jan. 28	E and R amendment adopted. Advanced for Engrossment	449
Feb. 1	Correctly Engrossed. E and R Change	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	523
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-8)	613

LEGISLATIVE BILL 493 By Chambers

Jan. 6	Title	31
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 498 By Barrett

Jan. 6	Title	31
Jan. 11	Committee amendment adopted. Failed to advance for Review	223
Jan. 13	Koch amendment printed	273
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 502 By Wesely, DeCamp, Schmit

Jan. 6	Title	32
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 507 By Cullan

Jan. 6	Title	32
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 508 By Wesely

Jan. 6	Title	32
Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 509 By Chambers

Jan. 6	Title	32
Feb. 11	Placed on General File	662
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 510 By Lamb

Jan. 6	Title	33
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 511 By Lamb

Jan. 6	Title	33
Jan. 11	Lamb amendment printed	226
Jan. 12	Committee amendments rejected. Lamb pending amendment p. 226 adopted. Advanced for Review	241
Jan. 19	Placed on Select File	349
Jan. 25	Lamb amendment printed	398
Jan. 29	E and R amendments adopted. Lamb pending amendment p. 398 adopted. Advanced for Engrossment	479
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	543
Feb. 11	Final Reading	661
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 513 By Pirsch, Beutler

Jan. 6	Title	33
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 514 By Pirsch, Beutler

Jan. 6	Title	33
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 520 By V. Johnson

Jan. 6	Title	33
Feb. 9	Placed on General File	608
Feb. 19	V. Johnson priority bill	788
Mar. 8	V. Johnson amendment to Committee amendment printed	1051
Mar. 17	Beutler name added to V. Johnson pending	

	amendment p. 1051. Committee amendments adopted as amended by V. Johnson-Beutler and Haberman-Newell amendments. Vickers amendment adopted. Advanced for Review	1232
Mar. 19	Placed on Select File	1305
Apr. 7	V. Johnson amendment lost. H. Peterson motion to indefinitely postpone laid over	1794
Apr. 8	H. Peterson pending motion lost. V. Johnson amendment lost. Warner amendment adopted. Advanced for Engrossment	1825
Apr. 13	Correctly Engrossed. E and R changes	1844
Apr. 13	DeCamp motion to return to Select File pending. DeCamp motion to substitute amendment prevailed. Amendment ruled not germane. DeCamp motion to suspend rules lost	1891
Apr. 16	V. Johnson motion to unbracket prevailed. Final Reading	1986

LEGISLATIVE BILL 520A By V. Johnson

Mar. 31	Read first time. Placed on General File	1522
Apr. 5	V. Johnson amendment adopted. Failed to advance for Review	1612
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 521 By V. Johnson

Jan. 6	Title	33
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 522 By V. Johnson

Jan. 6	Title	34
Jan. 6	Attorney General's Opinion	56
Mar. 1	V. Johnson amendment printed	917
Mar. 3	V. Johnson pending amendment p. 917 withdrawn. V. Johnson amendment as amended by Kahle lost	955
Mar. 5	Cullan name added	1022
Mar. 9	Cullan-Kahle-V. Johnson-Nichol amendment printed	1078
Mar. 10	V. Johnson et al pending amendment adopted. Advanced for Review	1091

Mar. 15	Placed on Select File	1150
Mar. 19	E and R amendments adopted. Kahle motion to lay over lost. Advanced for Engrossment	1311
Mar. 23	Correctly Engrossed. E and R changes	1386
Apr. 16	Final Reading	1962
Apr. 16	President signed	1978
Apr. 16	Presented to Governor	1993
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 522A By V. Johnson, Cullan

Mar. 19	Read first time. Placed on General File	1328
Mar. 23	Advanced for Review	1376
Mar. 29	Placed on Select File	1412
Mar. 31	Attorney General's Opinion	1528
Apr. 5	V. Johnson amendment adopted. Failed to advance for Engrossment	1639
Apr. 14	V. Johnson motion to withdraw laid over	1909
Apr. 16	V. Johnson pending motion p. 1909 prevailed. Withdrawn	1961

LEGISLATIVE BILL 524 By Schmit, Kahle, H. Peterson, Chronister, Von Minden, Wagner

Jan. 6	Title	34
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 525 By Sieck

Jan. 6	Title	35
Jan. 15	Committee amendments adopted. Advanced for Review	309
Jan. 20	Placed on Select File	391
Feb. 5	E and R amendments adopted. Advanced for Engrossment	578
Feb. 9	Correctly Engrossed	600
Feb. 19	Chambers motion to return to Select File pending. Passed over	776
Mar. 1	Attorney General's Opinion	888
Mar. 5	Chambers pending motion lost	1014
Mar. 5	Final Reading	1015
Mar. 5	Speaker signed	1020
Mar. 5	Presented to Governor	1025
Mar. 11	Approved by Governor (3-10)	1146

LEGISLATIVE BILL 527 By Schmit, Von Minden, Wagner, R. Peterson

Jan. 6	Title	35
Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 528 By Goodrich

Jan. 6	Title	35
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 531 By Labedz

Jan. 6	Title	35
Jan. 14	Attorney General's Opinion	281
Mar. 3	Attorney General's Opinion	953
Mar. 23	Labedz amendment printed	1375
Mar. 30	Beutler name added to Labedz amendment. Returned to Select File for Labedz-Beutler pending amendment. Labedz-Beutler pending amendment p. 1375 adopted. Advanced for Re-Engrossment	1480
Mar. 30	Warner motion to return to Select File lost	1481
Mar. 31	Correctly Engrossed	1532
Apr. 8	Final Reading	1820
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1831
Apr. 13	Became law without Governor's signature	1861

LEGISLATIVE BILL 533 By Kahle at request of Governor

Jan. 6	Title	35
Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 535 By Warner at request of Governor

Jan. 6	Title	36
Jan. 8	Passed over	178
Feb. 22	Marvel priority bill	806
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 542 By Schmit at request of Governor

Jan. 6	Title	36
Jan. 12	Advanced for Review	241
Jan. 19	Placed on Select File	339
Jan. 28	E and R amendments adopted.	

	Advanced for Engrossment	450
Feb. 1	Correctly Engrossed. E and R change	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	523
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	614

LEGISLATIVE BILL 546 By Newell, Koch, Kilgarin, Beyer, Fitzgerald

Jan. 6	Title	36
Mar. 1	Placed on General File	908
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 547 By Agriculture and Environment Committee

Jan. 6	Title	36
Jan. 15	Passed over	309
Feb. 17	Moved from Passed Over to General File	721
Feb. 19	R. Peterson priority bill	788
Feb. 22	Schmit amendment printed	792
Feb. 22	Committee amendment lost. Schmit pending amendment p. 1693, First Session, withdrawn. Schmit pending amendment p. 792 adopted. Advanced for Review	793
Feb. 24	Placed on Select File	825
Mar. 1	E and R amendments adopted. Advanced for Engrossment	905
Mar. 3	Correctly Engrossed. E and R changes	934
Mar. 11	Chambers, Fowler, and Beutler motions to return to Select File lost	1117
Mar. 11	Chambers amendment printed	1120
Mar. 16	Chambers pending amendment p. 1120 withdrawn. Chambers motion to return to Select File pending	1187
Apr. 5	Schmit amendment printed	1630
Apr. 5	Beutler name added to Schmit amendment	1645
Apr. 13	Returned to Select File for Schmit-Beutler amendment. Schmit-Beutler pending amendment p. 1630 adopted. Advanced for Re-Engrossment	1885
Apr. 13	Chambers motion to return to Select File lost. Chambers motion to reconsider lost	1886
Apr. 13	Correctly Re-Engrossed	1903

Apr. 16	Final Reading	1987
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 550 By Cullan

Jan. 6	Title	37
Jan. 18	Indefinitely postponed	320

LEGISLATIVE BILL 563 By Lamb

Jan. 6	Read first time	77
Jan. 6	Placed on General File	129
Jan. 11	Lamb motion to suspend rules prevailed. Advanced for Review	217
Jan. 19	Placed on Select File	336
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	524
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 564 By Lamb

Jan. 6	Read first time	77
Jan. 6	Placed on General File	129
Jan. 11	Lamb motion to suspend rules prevailed. Advanced for Review	217
Jan. 19	Placed on Select File	336
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	525
Feb. 4	Speaker Signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 565 By Lamb

Jan. 6	Read first time	78
Jan. 6	Placed on General File	129
Jan. 11	Lamb motion to suspend rules prevailed. Advanced for Review	217

Jan. 19	Placed on Select File	336
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	526
Feb. 4	Speaker Signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 566 By Lamb

Jan. 6	Read first time	78
Jan. 6	Placed on General File	129
Jan. 11	Lamb motion to suspend rules prevailed. Advanced for Review	217
Jan. 19	Placed on Select File	336
Jan. 28	Advanced for Engrossment	449
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	526
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 567 By Haberman

Jan. 6	Read first time	78
Jan. 6	Referred to Committee on Judiciary	129
Jan. 15	Notice of hearing (2-1)	308
Mar. 1	Placed on General File	908
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 568 By Haberman

Jan. 6	Read first time	78
Jan. 6	Referred to Committee on Judiciary	129
Jan. 8	Hoagland name added	185
Jan. 11	Notice of hearing (1-19)	188
Feb. 17	Placed on General File	727
Feb. 19	Nichol priority bill	789
Mar. 4	Nichol amendment to Committee amendments printed	993
Mar. 5	Special Order	1007
Mar. 8	DeCamp amendment printed	1034
Mar. 8	Haberman amendment to Committee amendments printed	1053

Mar. 9	Sieck-Vickers amendment to Committee amendments printed	1081
Mar. 10	Committee amendments considered	1092
Mar. 10	Nichol pending amendment p. 993 adopted. Nichol amendment to Committee amendments adopted. Haberman amendment p. 1053 pending	1093
Mar. 10	Haberman pending amendment p. 1053 to Committee amendments lost. Committee amendments adopted as amended by Sieck-Vickers pending amendment p. 1081 and Kilgarin-Koch-Newell amendments. Koch-Kilgarin amendment to Committee amendments withdrawn. Higgins amendment ruled not germane. Advanced for Review	1095
Mar. 15	Placed on Select File	1151
Mar. 22	Haberman-Hoagland-Nichol amendments printed	1354
Mar. 22	Nichol amendment to Committee amendments printed	1362
Mar. 29	Chambers amendment printed	1427
Mar. 29	Chambers amendment printed	1430
Mar. 29	Chambers amendment printed	1434
Mar. 29	Chambers amendment printed	1438
Apr. 5	E and R amendments adopted. DeCamp pending amendment p. 1034 withdrawn. Newell amendment to pending Hoagland et al amendment p. 1354 lost. Hoagland et al pending amendments p. 1354 adopted	1648
Apr. 5	Chambers pending amendments pp. 1427 and 1430 ruled not germane. Chambers pending amendments pp. 1434 and 1438 lost	1656
Apr. 5	Hoagland motion to suspend rules lost	1659
Apr. 5	Chambers amendments ruled not germane. Stoney amendment to Committee amendment ruled not germane. Chambers, Newell, and Wesely amendments lost. Advanced for Engrossment	1661
Apr. 7	Correctly Engrossed. E and R changes	1784
Apr. 8	Chambers amendment printed	1837
Apr. 13	Schmit motion to return to Select File lost	1887
Apr. 14	Dworak motion to lay over prevailed	

	as amended by Warner	1910
Apr. 14	Chambers pending amendment p. 1837 withdrawn. Koch motion to return to Select File withdrawn	1916
Apr. 14	Final Reading	1917
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 569 By Haberman

Jan. 6	Read first time	79
Jan. 6	Referred to Committee on Judiciary	129
Jan. 15	Notice of hearing (2-3)	308
Jan. 20	Notice of hearing. Cancelled	378
Feb. 8	Notice of hearing (2-17). Reset	589
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 570 By Haberman

Jan. 6	Read first time	79
Jan. 7	Referred to Committee on Revenue	132
Jan. 7	Vickers motion to rerefer to Education Committee printed	142
Jan. 11	Vickers pending motion p. 142 to rerefer prevailed	218
Jan. 12	Haberman motion to withdraw laid over	240
Jan. 13	Haberman pending motion p. 240 prevailed. Withdrawn	256

LEGISLATIVE BILL 571 By Clark

Jan. 6	Read first time	79
Jan. 6	Referred to Committee on Judiciary	129
Jan. 11	Notice of hearing (1-18)	188
Jan. 20	Placed on General File	378
Feb. 2	Advanced for Review	513
Feb. 4	Placed on Select File	552
Feb. 5	Burrows amendment printed	581
Feb. 17	Clark amendment printed	722
Feb. 18	Attorney General's Opinion	737
Mar. 4	Burrows and Clark pending amendments adopted. Advanced for Engrossment	980
Mar. 11	Clark amendment printed	1113
Mar. 15	Correctly Engrossed. E and R changes	1151
Mar. 19	Returned to Select File for	

	Clark pending amendment p. 1113	1282
Mar. 19	Clark pending amendment p. 1113 adopted. Advanced for Re-Engrossment	1283
Mar. 19	Haberman explanation of vote	1303
Mar. 19	Correctly Re-Engrossed. E and R changes	1316
Mar. 30	Schmit motion to return to Select File lost. Final Reading	1478
Mar. 31	President signed	1510
Mar. 31	Presented to Governor	1535
Apr. 5	Approved by Governor (4-1)	1610

LEGISLATIVE BILL 572 By Education Committee

Jan. 6	Read first time	79
Jan. 7	Referred to Committee on Revenue	132
Jan. 7	Vickers motion to rerefer to Committee on Education printed	142
Jan. 11	Vickers pending motion p. 142 to rerefer prevailed	218
Jan. 12	Notice of hearing (1-19)	248
Jan. 25	Placed on General File	401
Jan. 26	Special Order	422
Jan. 27	Committee amendment adopted. Advanced for Review. Koch motion to expedite	435
Jan. 28	Placed on Select File	455
Jan. 29	Advanced for Engrossment	475
Feb. 1	Correctly Engrossed	486
Feb. 3	Schmit motion to suspend rules prevailed	516
Feb. 3	Final Reading	527
Feb. 4	Speaker signed	544
Feb. 4	Presented to Governor	561
Feb. 10	Approved by Governor (2-9)	613

LEGISLATIVE BILL 573 By Clark

Jan. 6	Read first time	79
Jan. 6	Referred to Committee on Public Works	129
Jan. 12	Notice of hearing (1-27)	239
Feb. 8	Placed on General File	592
Feb. 22	Marvel priority bill	806
Mar. 10	Wesely-Kremer amendment printed	1099
Mar. 15	Committee amendment adopted. Advanced for Review	1153
Mar. 17	Placed on Select File	1209
Mar. 19	E and R amendments adopted. Wesely-Kremer pending amendment p. 1099 lost.	

Beutler amendment to Committee amendment adopted. Newell amendment adopted.
Advanced for Engrossment.................1317
Mar. 23 Correctly Engrossed. E and R Change..........1369
Mar. 31 Final Reading...............................1510
Apr. 1 Beyer explanation of vote......................1557
Apr. 1 President signed...............................1588
Apr. 1 Presented to Governor..........................1593
Apr. 5 Approved by Governor (4-5)..................1633

LEGISLATIVE BILL 574 By Koch

Jan. 6 Read first time..................................79
Jan. 6 Referred to Committee on Urban Affairs.........129
Jan. 13 Notice of hearing (1-20).........................271
Jan. 26 Indefinitely postponed...........................418

LEGISLATIVE BILL 575 By Rumery

Jan. 6 Read first time..................................80
Jan. 6 Referred to Committee on Public Works........130
Jan. 7 Notice of hearing (1-15).........................156
Feb. 10 Rumery motion to withdraw laid over...........625
Feb. 18 Indefinitely postponed...........................756

LEGISLATIVE BILL 576 By Koch, Beutler, Wesely

Jan. 6 Read first time..................................80
Jan. 6 Referred to Committee on Constitutional
Revision and Recreation.....................130
Jan. 8 Notice of hearing (1-15).........................170
Feb. 3 Placed on General File...........................532
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 577 By Koch

Jan. 6 Read first time..................................80
Jan. 6 Referred to Committee on Constitutional
Revision and Recreation.....................130
Jan. 20 Notice of hearing (2-19).........................387
Feb. 19 Koch priority bill...............................788
Mar. 1 Placed on General File...........................918
Mar. 5 Beutler amendment adopted.
Advanced for Review......................1020
Mar. 9 Placed on Select File...........................1058
Mar. 11 Wesely motion to indefinitely postpone

withdrawn. Advanced for Engrossment 1143
Mar. 15 Beutler name added 1153
Mar. 15 Correctly Engrossed 1177
Mar. 19 V. Johnson motion to return to Select File withdrawn. Final Reading 1283
Mar. 19 Haberman explanation of vote 1303
Mar. 19 President signed 1305
Mar. 19 Presented to Governor 1309
Mar. 22 Dworak explanation of vote 1331
Mar. 24 Became law without Governor's signature 1392

LEGISLATIVE BILL 578 By Koch

Jan. 6 Read first time 80
Jan. 6 Referred to Committee on Education 130
Jan. 25 Notice of hearing (2-1) 411
Feb. 18 Attorney General's Opinion 743
Mar. 1 Placed on General File 885
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 579 By Koch

Jan. 6 Read first time 81
Jan. 6 Referred to Committee on Public Works 130
Jan. 7 Notice of hearing (1-15) 156
Jan. 27 Placed on General File 435
Feb. 8 Committee amendments adopted. Advanced for Review 585
Feb. 10 Placed on Select File 615
Mar. 4 Koch amendment adopted. Advanced for Engrossment 982
Mar. 9 Correctly Engrossed. E and R changes 1060
Mar. 17 Final Reading 1211
Mar. 18 President signed 1248
Mar. 18 Presented to Governor 1258
Mar. 22 Approved by Governor (3-19) 1349

LEGISLATIVE BILL 580 By Koch

Jan. 6 Read first time 81
Jan. 6 Referred to Committee on Constitutional Revision and Recreation 130
Jan. 20 Notice of hearing (2-19) 387
Mar. 1 Indefinitely postponed 918

LEGISLATIVE BILL 581 By Koch

Jan. 6	Read first time	81
Jan. 6	Referred to Committee on Revenue	130
Feb. 8	Notice of hearing (2-17)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 582 By Kilgarin

Jan. 6	Read first time	81
Jan. 6	Referred to Committee on Revenue	130
Jan. 27	Notice of hearing (2-2)	441
Feb. 19	Kilgarin priority bill	788
Mar. 3	Placed on General File	954
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 582A By Kilgarin

Mar. 11	Read first time. Placed on General File	1134
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 583 By Warner

Jan. 6	Read first time	81
Jan. 6	Referred to Committee on Constitutional Revision and Recreation	130
Jan. 8	Notice of hearing (1-15)	170
Feb. 3	Placed on General File	532
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 584 By Warner

Jan. 6	Read first time	82
Jan. 6	Referred to Committee on Miscellaneous Subjects	130
Jan. 13	Notice of hearing (2-5)	272
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 585 By Warner

Jan. 6	Read first time	82
Jan. 6	Referred to Committee on Government, Military and Veterans Affairs	130
Jan. 8	Notice of hearing (1-15)	163
Jan. 29	Indefinitely postponed	482

LEGISLATIVE BILL 586 By Wagner

Jan. 6 Read first time.................................82
Jan. 6 Referred to Committee on Banking, Commerce and Insurance....................130
Jan. 14 Notice of hearing (2-8)........................296
Feb. 24 Indefinitely postponed..........................844

LEGISLATIVE BILL 587 By Kremer, Wagner, DeCamp, Cope, Lamb

Jan. 6 Read first time.................................82
Jan. 6 Referred to Committee on Education............130
Jan. 11 Notice of hearing (1-18)........................221
Jan. 18 Rumery name added...........................327
Mar. 9 Kremer motion to place on General File laid over...................................1070
Mar. 10 Indefinitely postponed.........................1106

LEGISLATIVE BILL 588 By Wagner

Jan. 6 Read first time.................................82
Jan. 6 Referred to Committee on Constitutional Revision and Recreation.....................130
Jan. 12 Notice of hearing (1-29)........................248
Feb. 3 Placed on General File..........................532
Apr. 16 Indefinitely postponed.........................2023

LEGISLATIVE BILL 589 By Banking, Commerce and Insurance Committee

Jan. 6 Read first time.................................82
Jan. 6 Referred to Committee on Banking, Commerce and Insurance....................130
Jan. 8 Notice of hearing (1-18)........................170
Jan. 25 Placed on General File..........................395
Jan. 28 Special Order 448
Feb. 1 Advanced for Review 494
Feb. 3 Placed on Select File 530
Feb. 5 Advanced for Engrossment 578
Feb. 9 Correctly Engrossed............................600
Feb. 9 E and R change.................................601
Feb. 19 Final Reading 776
Feb. 19 Speaker signed 785
Feb. 20 Presented to Governor 791
Feb. 22 Approved by Governor (2-19) 792

LEGISLATIVE BILL 590 By Kilgarin, Beutler

Jan. 6	Read first time	83
Jan. 6	Referred to Committee on Judiciary	130
Jan. 11	Notice of hearing (1-20)	189
Jan. 29	Placed on General File	468
Feb. 8	Passed over	586
Feb. 11	Kilgarin amendment printed	652
Feb. 11	Moved from Passed Over to General File	677
Feb. 22	Kilgarin pending amendment p. 652 adopted. Advanced for Review	795
Feb. 22	Marvel priority bill	806
Feb. 24	Placed on Select File	826
Mar. 1	E and R amendment adopted. Haberman motion to indefinitely postpone lost. Advanced for Engrossment	905
Mar. 3	Correctly Engrossed	934
Apr. 14	Final Reading	1923
Apr. 14	Beutler motion to reconsider laid over	1950
Apr. 16	Beutler pending motion withdrawn	2012

LEGISLATIVE BILL 590A By Kilgarin

Feb. 4	Read first time. Placed on General File	549
Feb. 8	Passed over	586
Feb. 11	Moved from Passed Over to General File	677
Feb. 22	Advanced for Review	796
Feb. 24	Placed on Select File	826
Mar. 1	Advanced for Engrossment	907
Mar. 3	Correction	923
Mar. 3	Correctly Engrossed	934
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 591 By Landis

Jan. 6	Read first time	83
Jan. 6	Referred to Committee on Revenue	130
Jan. 27	Notice of hearing (2-3)	441
Feb. 9	Placed on General File	607
Feb. 19	Landis priority bill	788
Mar. 15	Goodrich amendment printed	1165
Mar. 16	H. Peterson amendment adopted. Vickers amendment pending	1200
Mar. 17	Vickers pending amendment p. 1200 withdrawn. Vickers amendment lost. Vickers reoffered amendment p. 1200	

	lost. Vickers motion to return to Committee lost. Wiitala amendment withdrawn. Advanced for Review	1227
Mar. 19	Placed on Select File	1305
Mar. 22	Chambers amendment printed	1363
Mar. 29	Goodrich amendment printed	1443
Apr. 7	E and R amendments adopted. Goodrich pending amendments p. 1165 and p. 1443 withdrawn. Chambers pending amendment p. 1363 withdrawn. Chambers amendment lost. Advanced for Engrossment	1791
Apr. 8	Correctly Engrossed	1832
Apr. 14	Lamb motion to suspend rules prevailed as amended by Landis	1918
Apr. 16	Kahle, Chambers, and DeCamp-Chambers motions to return to Select File lost	1963
Apr. 16	Final Reading	1966

LEGISLATIVE BILL 592 By Lamb

Jan. 6	Read first time	83
Jan. 7	Placed on General File	132
Jan. 11	Lamb motion to suspend rules prevailed	217
Jan. 11	Advanced for Review	218
Jan. 12	Lamb amendment printed	251
Jan. 19	Placed on Select File	336
Jan. 27	Lamb amendment printed	443
Jan. 29	Lamb pending amendment p. 251 withdrawn. Lamb pending amendment p. 443 adopted. Hoagland amendment adopted. Advanced for Engrossment	477
Feb. 4	Correctly Engrossed	540
Feb. 4	E and R change	543
Feb. 11	Final Reading	661
Feb. 16	President signed	682
Feb. 16	Koch explanation of vote. Presented to Governor	703
Feb. 22	Approved by Governor (2-19)	791

LEGISLATIVE BILL 593 By Remmers, R. Peterson

Jan. 6	Read first time	83
Jan. 7	Referred to Committee on Agriculture and Environment	132
Jan. 13	Notice of hearing (1-28)	272
Feb. 23	Placed on General File	812

Mar. 5	Passed over	1026
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 594 By Landis

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Government, Military and Veterans Affairs	130
Jan. 8	Notice of hearing (1-15)	163
Mar. 1	Indefinitely postponed	885

LEGISLATIVE BILL 595 By Fowler

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	130
Jan. 8	Notice of hearing (1-19)	170
Feb. 17	Indefinitely postponed	725

LEGISLATIVE BILL 596 By Nichol

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Revenue	130
Jan. 13	Notice of hearing (1-18)	272
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 597 By Nichol

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Judiciary	130
Jan. 11	Notice of hearing (1-18)	188
Jan. 20	Placed on General File	384
Feb. 3	Committee amendments adopted. Failed to advance for Review	535
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 598 By Nichol

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Banking, Commerce and Insurance	130
Jan. 8	Notice of hearing (1-18)	170
Jan. 25	Placed on General File	395
Feb. 3	Advanced for Review	535
Feb. 4	Placed on Select File	552
Feb. 5	Advanced for Engrossment	580
Feb. 9	Correctly Engrossed	600

Feb. 19	Returned to Select File for Koch amendment. Koch amendment adopted. Indefinitely postponed	779

LEGISLATIVE BILL 599 By Nichol

Jan. 6	Read first time	84
Jan. 6	Referred to Committee on Business and Labor	130
Jan. 14	Notice of hearing (2-3)	280
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 600 By Nichol

Jan. 6	Read first time	85
Jan. 6	Referred to Committee on Public Works	130
Jan. 7	Notice of hearing (1-15)	156
Feb. 1	Indefinitely postponed	485

LEGISLATIVE BILL 601 By Nichol

Jan. 6	Read first time	85
Jan. 6	Referred to Committee on Government, Military and Veterans Affairs	130
Jan. 27	Notice of hearing (2-18)	435
Feb. 22	Placed on General File	805
Mar. 5	Advanced for Review	1024
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1285
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Correction	1330
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 602 By Cullan

Jan. 6	Read first time	85
Jan. 6	Referred to Committee on Public Health and Welfare	130
Jan. 19	Notice of hearing (2-2)	331
Feb. 19	Public Health and Welfare Committee priority bill	788
Mar. 3	Placed on General File	923

Mar. 16	Committee amendments adopted. Advanced for Review	1198
Mar. 19	Placed on Select File	1279
Apr. 7	E and R amendment adopted. V. Johnson amendment adopted. Haberman amendments to V. Johnson amendment lost. Advanced for Engrossment	1781
Apr. 13	Correctly Engrossed	1844
Apr. 13	E and R changes	1845
Apr. 16	Final Reading	1988
Apr. 16	Goll explanation of vote	1989
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 602A By Cullan

Mar. 29	Read first time. Placed on General File	1458
Mar. 31	Advanced for Review	1523
Apr. 1	Placed on Select File	1571
Apr. 7	Labedz-V. Johnson amendment printed	1757
Apr. 7	Labedz-V. Johnson amendment p. 1757 pending. V. Johnson motion to suspend rules pending	1783
Apr. 7	V. Johnson pending motion adopted. Labedz-V. Johnson pending amendment p. 1757 adopted. Wiitala amendment lost. Advanced for Engrossment	1786
Apr. 13	Correctly Engrossed	1844
Apr. 13	E and R changes	1845
Apr. 16	Attorney General's Opinion	1974
Apr. 16	Chambers motion to return to Select File lost	1989
Apr. 16	Final Reading	1990
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 603 By Cullan

Jan. 6	Read first time	85
Jan. 6	Referred to Committee on Judiciary	130
Jan. 13	Notice of hearing (1-20)	255
Jan. 15	Notice of hearing. Cancelled	302
Jan. 15	Notice of hearing (2-8). Reset	308
Feb. 19	Placed on General File	780

Feb. 19	Cullan priority bill	788
Mar. 17	Cullan amendments (1 & 2) to Committee amendment pending	1245
Mar. 29	Cullan amendments p. 1245 pending	1445
Mar. 29	Cullan pending amendments (1 & 2) p. 1245 lost. Committee amendments lost. Hoagland motion to reconsider Committee amendments lost. Hoagland amendment withdrawn. Haberman-Kilgarin amendment lost. Landis motion to indefinitely postpone laid over	1448
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 603A By Cullan

Feb. 24	Read first time. Placed on General File	832
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 604 By Cope, Rumery, Fowler

Jan. 6	Read first time	85
Jan. 6	Referred to Committee on Appropriations	130
Jan. 18	Notice of hearing (1-25)	327
Feb. 1	Placed on General File	492
Feb. 11	Advanced for Review	678
Feb. 16	Placed on Select File	682
Feb. 19	Cope amendment printed	758
Feb. 19	Cope priority bill	788
Feb. 24	Cope pending amendment p. 758 adopted. Advanced for Engrossment	836
Mar. 1	Correctly Engrossed	896
Mar. 3	E and R changes	930
Apr. 14	Final Reading	1924
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 604A By Cope, Rumery, Fowler

Jan. 6	Read first time	88
Jan. 6	Referred to Committee on Appropriations	130
Jan. 18	Notice of hearing (1-25)	327
Feb. 1	Placed on General File	492
Feb. 11	Committee amendment adopted. Advanced for Review	678
Feb. 16	Placed on Select File	682

Feb. 24	Advanced for Engrossment	836
Mar. 1	Correctly Engrossed	896
Mar. 19	Warner amendment printed	1304
Mar. 30	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	1471
Mar. 31	Correctly Re-Engrossed	1532
Apr. 14	Final Reading	1924
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 605 By Koch

Jan. 6	Read first time	86
Jan. 6	Referred to Committee on Miscellaneous Subjects	130
Jan. 13	Notice of hearing (1-29)	271
Feb. 2	Placed on General File	508
Mar. 5	Advanced for Review	1021
Mar. 8	Koch amendment printed	1053
Mar. 9	Placed on Select File	1058
Mar. 19	Koch pending amendment p. 1053 adopted. Advanced for Engrossment	1320
Mar. 29	Correctly Engrossed. E and R changes	1414
Apr. 6	Final Reading	1675
Apr. 7	President signed	1760
Apr. 7	Presented to Governor	1763
Apr. 13	Approved by Governor (4-8)	1847

LEGISLATIVE BILL 606 By Kremer

Jan. 6	Read first time	86
Jan. 6	Referred to Committee on Public Health and Welfare	130
Jan. 19	Notice of hearing (1-25)	330
Jan. 26	Placed on General File	421
Feb. 8	Advanced for Review	585
Feb. 10	Placed on Select File	615
Mar. 4	Advanced for Engrossment	982
Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1217
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 607 By H. Peterson

Jan. 6 Read first time.................................86
Jan. 6 Referred to Committee on Education............130
Jan. 8 DeCamp name added 169
Jan. 11 Notice of hearing (1-25)..........................221
Jan. 11 Stoney name added...........................224
Jan. 12 Labedz name added 240
Feb. 4 Indefinitely postponed...........................553

LEGISLATIVE BILL 608 By H. Peterson

Jan. 6 Read first time.................................86
Jan. 6 Referred to Committee on Public Works........130
Jan. 12 Notice of hearing (1-28)..........................239
Jan. 20 Notice of hearing. Cancelled 381
Jan. 26 Notice of hearing (2-19). Reset 419
Feb. 25 Placed on General File..........................875
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 609 By Marsh

Jan. 6 Read first time.................................86
Jan. 6 Referred to Committee on Nebraska
Retirement Systems..........................130
Jan. 19 Notice of hearing (1-27)..........................348
Feb. 4 Placed on General File..........................560
Feb. 19 Nebraska Retirement System
Committee priority bill.......................788
Mar. 3 Committee amendments adopted.
Advanced for Review.......................955
Mar. 5 Placed on Select File 1006
Mar. 11 Advanced for Engrossment....................1132
Mar. 15 Correctly Engrossed............................1177
Apr. 14 Final Reading 1925
Apr. 14 President signed 1938
Apr. 14 Presented to Governor 1941
Apr. 16 Approved by Governor (4-16) 1977

LEGISLATIVE BILL 609A By Marsh

Mar. 19 Read first time. Placed on General File........1282
Mar. 22 Marsh amendment adopted.
Advanced for Review.......................1345
Mar. 23 Placed on Select File 1377
Apr. 5 E and R amendment adopted.

	Advanced for Engrossment	1639
Apr. 6	Correctly Engrossed	1692
Apr. 14	Final Reading	1926
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 610 By H. Peterson, Hefner

Jan. 6	Read first time	86
Jan. 6	Referred to Committee on Business and Labor	130
Jan. 20	Notice of hearing (2-10)	381
Jan. 20	H. Peterson-Hefner amendment printed	451
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 611 By Kahle

Jan. 6	Read first time	87
Jan. 6	Referred to Committee on Public Works	130
Jan. 12	Notice of hearing (2-3)	239
Feb. 2	Room change	509
Feb. 19	Kahle priority bill	788
Feb. 23	Placed on General File	811
Mar. 15	Committee amendments adopted. Laid over	1176
Mar. 18	Kahle amendment printed	1264
Mar. 29	Attorney General's Opinion	1419
Mar. 30	Attorney General's Opinion	1464
Mar. 30	Kahle pending amendment p. 1264 adopted. Advanced for Review	1507
Apr. 1	Placed on Select File	1571
Apr. 5	Kahle amendment printed	1630
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 612 By Pirsch

Jan. 6	Read first time	87
Jan. 6	Referred to Committee on Judiciary	130
Jan. 11	Notice of hearing (1-18)	188
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 613 By Pirsch

Jan. 6	Read first time	87
Jan. 6	Referred to Committee on Public Works	130
Jan. 12	Notice of hearing (1-20)	238
Feb. 1	Indefinitely postponed	485

LEGISLATIVE BILL 614 By Fowler

Jan. 6	Read first time	87
Jan. 6	Referred to Committee on Revenue	130
Feb. 8	Notice of hearing (2-17)	584
Feb. 19	Indefinitely postponed	779

LEGISLATIVE BILL 615 By Burrows

Jan. 6	Read first time	88
Jan. 6	Referred to Committee on Business and Labor	130
Jan. 8	Notice of hearing (1-20)	181
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 616 By Fenger

Jan. 6	Read first time	88
Jan. 6	Referred to Committee on Miscellaneous Subjects	130
Jan. 8	Notice of hearing (1-15)	167
Jan. 11	Correction	188
Feb. 2	Placed on General File	508
Feb. 19	Fenger priority bill	788
Feb. 22	Fenger amendment printed	805
Mar. 3	Passed over	955
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 617 By Stoney

Jan. 6	Read first time	88
Jan. 6	Referred to Committee on Business and Labor	130
Jan. 14	Notice of hearing (2-3)	280
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 618 By DeCamp

Jan. 6	Read first time	95
Jan. 7	Referred to Committee on Judiciary	158
Jan. 11	Notice of hearing (1-19)	188
Jan. 27	DeCamp amendment printed	444
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 619 By DeCamp

Jan. 6	Read first time	95
Jan. 7	Referred to Committee on Agriculture and Environment	158

Jan. 13	Notice of hearing (1-29)	272
Feb. 19	L. Johnson priority bill	789
Feb. 23	Placed on General File	812
Mar. 17	DeCamp amendment printed	1235
Mar. 30	DeCamp amendment printed	1461
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 620 By DeCamp

Jan. 6	Read first time	95
Jan. 7	Referred to Committee on Judiciary	158
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 621 By DeCamp

Jan. 6	Read first time	95
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	158
Jan. 14	Notice of hearing (2-1)	296
Feb. 24	Placed on General File	844
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 622 By DeCamp

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Revenue	158
Jan. 14	DeCamp amendment printed	282
Feb. 2	Notice of hearing (2-10)	513
Feb. 18	Indefinitely postponed	756

LEGISLATIVE BILL 623 By DeCamp

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	159
Jan. 8	Notice of hearing (1-18)	170
Jan. 26	Placed on General File	428
Feb. 4	Landis amendment to Committee amendment lost. Kilgarin amendment to Committee amendment pending	558
Feb. 8	Passed over	585
Feb. 9	Kilgarin pending amendment p. 558 to Committee amendment withdrawn. Committee amendments p. 428 withdrawn. DeCamp amendment adopted. Burrows motion to indefinitely postpone lost.	

	Advanced for Review	609
Feb. 11	Placed on Select File	647
Feb. 19	DeCamp amendment printed	771
Mar. 3	DeCamp amendment printed	945
Mar. 4	E and R amendments adopted. DeCamp pending amendment p. 771 withdrawn. DeCamp pending amendment p. 945 adopted. Advanced for Engrossment	991
Mar. 15	Correctly Engrossed. E and R Changes	1151
Mar. 19	Final Reading	1286
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 624 By DeCamp

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	159
Jan. 27	Notice of hearing (2-25)	435
Feb. 5	Notice of hearing (2-18). Reset	575
Mar. 1	Indefinitely postponed	885

LEGISLATIVE BILL 625 By DeCamp

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Judiciary	159
Jan. 11	Notice of hearing (1-18)	188
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 626 By DeCamp

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	159
Feb. 8	Notice of hearing (2-16)	582
Feb. 17	Placed on General File	725
Feb. 19	Banking, Commerce and Insurance Committee priority bill	787
Feb. 19	Special Order	789
Feb. 24	Special Order	845
Mar. 3	Lamb-Barrett motion to indefinitely postpone lost. Advanced for Review	939
Mar. 3	Schmit amendment printed	958
Mar. 5	Placed on Select File	1005

Mar. 10	DeCamp and Schmit amendments printed	1098
Mar. 11	E and R amendments adopted. Schmit pending amendment p. 958 withdrawn. DeCamp and Schmit pending amendments p. 1098 withdrawn. Rumery amendment adopted. Advanced for Engrossment	1134
Mar. 17	Correctly Engrossed. E and R changes	1241
Mar. 18	Rumery amendment printed	1258
Mar. 19	Returned to Select File for Rumery amendment. Rumery pending amendment adopted. Advanced for Engrossment	1304
Mar. 19	Correctly Re-Engrossed	1316
Mar. 19	V. Johnson amendment printed	1327
Mar. 30	V. Johnson motion to return to Select File lost. Final Reading	1479
Mar. 31	President signed	1510
Mar. 31	DeCamp motion to reconsider laid over	1532
Mar. 31	DeCamp pending motion to reconsider withdrawn	1551
Apr. 1	Presented to Governor	1557
Apr. 1	Returned by Governor without approval	1575
Apr. 13	Wesely-Hoagland motion to override withdrawn	1904

LEGISLATIVE BILL 627 By DeCamp, Kilgarin

Jan. 6	Read first time	96
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	159
Jan. 20	Notice of hearing (2-18)	387
Mar. 1	Indefinitely postponed	918

LEGISLATIVE BILL 628 By DeCamp, Vickers, Koch

Jan. 6	Read first time	97
Jan. 7	Referred to Committee on Education	159
Jan. 8	Kilgarin name added	186
Jan. 11	Notice of hearing (1-18)	221
Jan. 11	Fowler name added	224
Jan. 13	Beutler name added	259
Jan. 14	Wiitala name added	292
Jan. 25	Placed on General File	409
Feb. 3	Committee amendments adopted. Advanced for Review	536
Feb. 3	Newell name added	537
Feb. 5	Placed on Select File	564

Feb. 5	H. Peterson amendment printed	572
Feb. 23	H. Peterson amendment printed	809
Mar. 4	E and R amendments adopted. H. Peterson pending amendment p. 572 withdrawn. H. Peterson pending amendment adopted as amended by Landis and DeCamp. Advanced for Engrossment	980
Mar. 11	Correctly Engrossed. E and R changes	1130
Mar. 18	Final Reading	1249
Mar. 18	Kilgarin and Warner explanations of votes. President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 629 By DeCamp

Jan. 6	Read first time	97
Jan. 7	Referred to Committee on Miscellaneous Subjects	159
Jan. 13	Notice of hearing (2-5)	272
Feb. 16	Placed on General File	705
Feb. 19	Haberman priority bill	788
Mar. 8	Koch amendment printed	1051
Mar. 17	Hoagland-Beutler amendment ruled not germane. Advanced for Review	1239
Mar. 19	Placed on Select File	1305
Apr. 7	E and R amendment adopted. Koch pending amendment p. 1051 withdrawn. Advanced for Engrossment	1797
Apr. 8	Correctly Engrossed	1832
Apr. 14	Lamb motion to suspend rules prevailed	1918
Apr. 14	Final Reading	1919
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 629A By DeCamp

Mar. 10	Read first time. Placed on General File	1094
Mar. 17	Advanced for Review	1242
Mar. 19	Placed on Select File	1305
Apr. 7	Advanced for Engrossment	1797
Apr. 8	Correctly Engrossed	1832
Apr. 14	Lamb motion to suspend rules prevailed	1918
Apr. 14	Final Reading	1920
Apr. 14	President signed	1938

Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 630 By Newell

Jan. 6	Read first time	97
Jan. 7	Referred to Committee on Revenue	159
Jan. 14	Notice of hearing (1-19)	296
Jan. 26	Placed on General File	418
Feb. 3	Newell amendment adopted. Advanced for Review	539
Feb. 5	Placed on Select File	564
Mar. 4	E and R amendment adopted. Advanced for Engrossment	981
Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1218
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 631 By Von Minden, Hefner, Goll

Jan. 6	Read first time	97
Jan. 8	Referred to Committee on Revenue	186
Jan. 13	Notice of hearing (1-18)	272
Jan. 26	Placed on General File	418
Jan. 28	Special Order	448
Feb. 1	Committee amendments adopted. Advanced for Review	492
Feb. 3	Placed on Select File	530
Feb. 4	Fowler amendment printed	561
Mar. 4	E and R amendment adopted. Dworak amendment lost. Fowler pending amendment p. 561 lost. Advanced for Engrossment	988
Mar. 4	Dworak amendment printed	990
Mar. 11	Correctly Engrossed	1130
Mar. 22	Hefner-Von Minden motion to suspend rules prevailed. Dworak pending amendment p. 990 withdrawn. Final Reading	1342
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 24	Approved by Governor (3-23)	1391
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 632 By Wesely, Remmers, Rumery

Jan. 6	Read first time	97
Jan. 7	Referred to Committee on Appropriations	159
Feb. 18	Notice of hearing (3-2)	755
Mar. 1	Room change	911
Mar. 17	Indefinitely postponed	1244

LEGISLATIVE BILL 633 By Clark

Jan. 6	Read first time	97
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (1-27)	239
Feb. 8	Placed on General File	594
Feb. 11	Clark priority bill	677
Mar. 15	Committee amendments adopted. Advanced for Review	1163
Mar. 17	Placed on Select File	1210
Mar. 19	E and R amendments adopted. Advanced for Engrossment	1319
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1511
Mar. 31	Pirsch explanation of vote	1531
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-1)	1609

LEGISLATIVE BILL 634 by Newell

Jan. 6	Read first time	98
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	159
Jan. 12	Notice of hearing (1-28)	248
Feb. 3	Placed on General File	533
Feb. 11	Special Order	667
Feb. 17	Committee amendment adopted. Beutler motion to indefinitely postpone lost	725
Feb. 17	Beutler amendment lost	728
Feb. 18	Beutler amendment lost. Advanced for Review	745
Feb. 22	Placed on Select File	790
Mar. 4	E and R amendment adopted. Beutler amendment lost. Beutler amendment adopted. Advanced for Engrossment	1000
Mar. 15	Correctly Engrossed. E and R changes	1177

Mar. 19	Final Reading	1287
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 24	Became law without Governor's signature	1392

LEGISLATIVE BILL 635 By Kahle

Jan. 6	Read first time	98
Jan. 7	Referred to Committee on Public Health and Welfare	159
Jan. 12	Notice of hearing (1-18)	248
Jan. 29	Indefinitely postponed	465
Feb. 1	Kahle motion to place on General File laid over	486
Feb. 8	Kahle pending motion lost	583

LEGISLATIVE BILL 636 By Warner

Jan. 6	Read first time	98
Jan. 7	Referred to Committee on Urban Affairs	159
Jan. 13	Notice of hearing (1-27)	271
Jan. 25	Landis amendment printed	408
Feb. 9	Placed on General File	607
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 637 By Vickers

Jan. 6	Read first time	98
Jan. 7	Referred to Committee on Business and Labor	159
Jan. 26	Notice of hearing (2-24)	416
Mar. 4	Hefner name added	993
Mar. 9	Placed on General File	1066
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 638 By Koch

Jan. 6	Read first time	98
Jan. 7	Referred to Committee on Miscellaneous Subjects	159
Jan. 13	Notice of hearing (1-29)	271
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 639 By Wiitala

Jan. 6	Read first time	99
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	159
Jan. 13	Notice of hearing (1-29)	255
Feb. 1	Indefinitely postponed	490

LEGISLATIVE BILL 640 By Wiitala

Jan. 6	Read first time	99
Jan. 7	Referred to Committee on Business and Labor	159
Jan. 8	Notice of hearing (1-20)	181
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 641 By Wiitala

Jan. 6	Read first time	99
Jan. 7	Referred to Committee on Education	159
Jan. 28	Notice of hearing (2-9)	463
Feb. 25	Indefinitely postponed	874

LEGISLATIVE BILL 642 By Wiitala

Jan. 6	Read first time	99
Jan. 7	Referred to Committee on Education	159
Jan. 28	Notice of hearing (2-8)	463
Feb. 10	Placed on General File	614
Mar. 5	Advanced for Review	1022
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1334
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 643 By Wiitala

Jan. 6	Read first time	100
Jan. 7	Kilgarin name added	151
Jan. 7	Referred to Committee on Miscellaneous Subjects	159
Jan. 13	Notice of hearing (2-11)	272
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 644 By Vickers

Jan. 6	Read first time	100
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (1-29)	239
Feb. 8	Placed on General File	585
Mar. 5	Advanced for Review	1021
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1132
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1335
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 645 By Kilgarin

Jan. 6	Read first time	100
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (2-5)	239
Feb. 19	Indefinitely postponed	771

LEGISLATIVE BILL 646 By Goodrich

Jan. 6	Read first time	102
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	159
Jan. 8	Notice of hearing (1-18)	170
Jan. 25	Placed on General File	395
Feb. 3	Advanced for Review	536
Feb. 4	Placed on Select File	552
Feb. 5	Advanced for Engrossment	580
Feb. 9	Correctly Engrossed	600
Feb. 19	Final Reading	786
Feb. 22	Speaker signed	792
Feb. 22	Presented to Governor	803
Mar. 1	Approved by Governor (2-26)	913

LEGISLATIVE BILL 647 By Hefner

Jan. 6	Read first time	103
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	159
Jan. 15	Notice of hearing (2-5)	303
Feb. 8	Placed on General File	589

Feb. 11	V. Johnson amendment printed	670
Feb. 22	Marvel priority bill	806
Mar. 1	Hefner amendment printed	922
Mar. 8	Considered	1056
Mar. 10	Hefner pending amendment p. 922 adopted. V. Johnson pending amendment p. 670 lost	1091
Mar. 10	Vickers amendment printed	1098
Mar. 29	Attorney General's Opinion	1416
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 648 By Agriculture and Environment Committee

Jan. 6	Read first time	103
Jan. 7	Referred to Committee on Agriculture and Environment	159
Jan. 13	Notice of hearing (1-29)	272
Feb. 10	Placed on General File	617
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 649 By Administrative Rules and Regulations Review Committee

Jan. 6	Read first time	103
Jan. 7	Referred to Committee on Administrative Rules and Regulations Review	159
Jan. 12	Notice of hearing (1-19)	230
Jan. 20	Placed on General File	372
Feb. 2	Advanced for Review	512
Feb. 4	Placed on Select File	552
Feb. 5	Advanced for Engrossment	579
Feb. 9	Correctly Engrossed	600
Feb. 19	Final Reading	786
Feb. 22	Speaker signed	792
Feb. 22	Presented to Governor	803
Mar. 1	Approved by Governor (2-26)	913

LEGISLATIVE BILL 650 By Education Committee

Jan. 6	Read first time	103
Jan. 7	Referred to Committee on Education	159
Jan. 12	Notice of hearing (1-19)	248
Feb. 5	Placed on General File	565
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 651 By Education Committee

Jan. 6	Read first time	104
Jan. 7	Referred to Committee on Education	159
Jan. 28	Notice of hearing (2-9)	463
Feb. 16	Placed on General File	682
Mar. 5	Advanced for Review	1024
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed. E and R changes	1177
Mar. 19	Final Reading	1289
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 652 By Education Committee

Jan. 6	Read first time	104
Jan. 7	Referred to Committee on Education	159
Jan. 11	Notice of hearing (1-25)	221
Feb. 5	Placed on General File	567
Feb. 18	Attorney General's Opinion	740
Feb. 18	DeCamp-H. Peterson amendment printed	746
Feb. 18	H. Peterson priority bill	756
Mar. 9	Committee amendments (1 and 3) lost. Committee amendment (2) adopted. DeCamp-H. Peterson pending amendment p. 746 (1) lost. DeCamp-H. Peterson pending amendment p. 746 (2) adopted as amended by Koch and Beutler amendments. Hoagland motion to indefinitely postpone pending	1061
Mar. 9	Hoagland pending motion to indefinitely postpone lost. Chambers, Beutler, and Marsh amendments lost. Chambers and Landis amendments withdrawn. Advanced for Review	1072
Mar. 15	Placed on Select File	1150
Mar. 16	Remmers-Sieck amendment printed	1207
Mar. 19	E and R amendments adopted. H. Peterson amendment lost. Remmers-Sieck pending amendment p. 1207 lost. Hoagland motion to indefinitely postpone laid over	1310
Mar. 19	Fowler amendment printed	1314
Mar. 19	DeCamp-Remmers-Landis-Wiitala-Sieck-	

	H. Peterson amendment printed	1328
Mar. 20	Wiitala name withdrawn from pending DeCamp et al amendment p. 1328	1425
Apr. 5	Hoagland pending motion to indefinitely postpone lost	1643
Apr. 5	Fowler pending amendment p. 1314 adopted. Remmers et al pending amendment p. 1328 adopted. Chambers amendment lost	1645
Apr. 5	Failed to advance for Engrossment	1647
Apr. 8	DeCamp-Landis amendment printed	1799
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 653 By Education Committee

Jan. 6	Read first time	104
Jan. 7	Referred to Committee on Education	159
Jan. 28	Notice of hearing (2-9)	463
Feb. 25	Placed on General File	873
Mar. 11	Koch amendment printed	1123
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 653A By Koch

Mar. 9	Read first time. Placed on General File	1079
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 654 By Education Committee

Jan. 6	Read first time	104
Jan. 7	Referred to Committee on Education	159
Jan. 12	Notice of hearing (1-19)	248
Jan. 25	Placed on General File	396
Feb. 4	Advanced for Review	558
Feb. 4	Lamb amendment printed	561
Feb. 8	Placed on Select File	583
Mar. 4	Advanced for Engrossment	981
Mar. 10	Correctly Engrossed	1082
Mar. 17	Lamb pending amendment p. 561 withdrawn. Final Reading	1219
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 655 By Beyer

Jan. 6	Read first time	105
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (2-3)	239
Feb. 2	Room change	509
Feb. 11	Placed on General File	647
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 656 By Labedz

Jan. 6	Read first time	111
Jan. 7	Referred to Committee on Revenue	159
Jan. 19	Notice of hearing (1-25)	348
Feb. 19	Placed on General File	783
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 657 By Fenger, Higgins, Apking, Kahle, Kremer, Carsten, Vickers, Duda, Goll, Schmit, Nichol, Rumery, Pirsch, Labedz, Haberman, Clark, DeCamp, Beyer, L. Johnson, Remmers, Von Minden, H. Peterson

Jan. 6	Read first time	111
Jan. 7	Referred to Committee on Appropriations	159
Jan. 8	Chronister name added	167
Jan. 18	Notice of hearing (1-25)	327
Jan. 28	Nichol motion to place on General File laid over	463
Jan. 29	Indefinitely postponed	483
Feb. 4	Nichol pending motion to place on General File lost	545

LEGISLATIVE BILL 658 By DeCamp

Jan. 6	Read first time	112
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	159
Jan. 8	Notice of hearing (1-19)	170
Feb. 18	Indefinitely postponed	735

LEGISLATIVE BILL 659 By Business and Labor Committee

Jan. 6	Read first time	112
Jan. 7	Referred to Committee on Business and Labor	159
Jan. 8	Notice of hearing (1-20)	181
Jan. 29	Placed on General File	472
Feb. 8	Advanced for Review	587
Feb. 10	Placed on Select File	616

Mar. 1	Barrett amendment printed	904
Mar. 4	Barrett pending amendment adopted. Advanced for Engrossment	989
Mar. 15	Correctly Engrossed	1151
Mar. 15	E and R changes	1152
Mar. 19	Final Reading	1290
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 660 By Beyer, Apking, Cope

Jan. 6	Read first time	112
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (2-5)	239
Feb. 23	Placed on General File	811
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 661 By Koch

Jan. 6	Read first time	112
Jan. 7	Referred to Committee on Public Works	159
Jan. 12	Notice of hearing (1-20)	238
Feb. 22	Marvel priority bill	806
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 662 By Chambers

Jan. 6	Read first time	112
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	159
Jan. 13	Notice of hearing (1-28)	255
Jan. 29	Placed on General File	482
Feb. 8	Nichol amendment printed	594
Feb. 11	Nichol pending amendment withdrawn. Advanced for Review	667
Feb. 16	Placed on Select File	681
Mar. 4	Advanced for Engrossment	998
Mar. 9	Correctly Engrossed	1060
Mar. 17	Final Reading	1212
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 663 By Chambers

Jan. 6	Read first time	113
Jan. 7	Referred to Committee on Revenue	159
Jan. 13	Notice of hearing (1-18)	272
Jan. 27	Indefinitely postponed	437

LEGISLATIVE BILL 664 By V. Johnson

Jan. 6	Read first time	113
Jan. 7	Placed on General File	159
Jan. 11	Lamb motion to suspend rules prevailed	217
Jan. 11	Advanced for Review. Expedited	218
Jan. 11	Placed on Select File	222
Jan. 12	Advanced for Engrossment	231
Jan. 12	Correctly Engrossed	248
Jan. 14	V. Johnson motion to sustain rules prevailed. Final Reading	286
Jan. 14	Speaker signed	288
Jan. 14	Wesely explanation of vote. Presented to Governor	289
Jan. 18	Approved by Governor (1-15)	316

LEGISLATIVE BILL 665 By DeCamp, Wesely, Labedz, Kilgarin

Jan. 6	Read first time	124
Jan. 7	Referred to Committee on Revenue	159
Feb. 2	Notice of hearing (2-10)	513
Mar. 3	Attorney General's Opinion	929
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 666 By DeCamp, Wiitala

Jan. 6	Read first time	124
Jan. 7	Referred to Committee on Banking, Commerce and Insurance	159
Jan. 14	Notice of hearing (2-1)	296
Feb. 16	Placed on General File	705
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 667 By Von Minden

Jan. 6	Read first time	124
Jan. 7	Referred to Committee on Public Health and Welfare	159
Jan. 12	Notice of hearing (1-19)	248

Jan. 29	Indefinitely postponed	465

LEGISLATIVE BILL 668 By Barrett, R. Peterson, Remmers, Sieck, Schmit

Jan. 6	Read first time	124
Jan. 7	Referred to Committee on Agriculture and Environment	159
Jan. 13	Notice of hearing (1-28)	272
Feb. 10	Placed on General File	617
Feb. 10	Barrett priority bill	625
Mar. 15	Committee amendment adopted. Advanced for Review	1163
Mar. 17	Placed on Select File	1210
Mar. 19	Advanced for Engrossment	1319
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1512
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1558
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 669 By Public Works Committee

Jan. 6	Read first time	125
Jan. 7	Referred to Committee on Public Works	160
Jan. 12	Notice of hearing (1-28)	239
Feb. 1	Placed on General File	485
Feb. 11	Committee amendment adopted. Remmers amendment adopted as amended by Carsten. Advanced for Review	667
Feb. 16	Placed on Select File	681
Mar. 4	E and R amendments adopted. Advanced for Engrossment	998
Mar. 11	Correctly Engrossed. E and R changes	1130
Apr. 14	Final Reading	1927
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 669A By Kremer

Feb. 11	Read first time. Placed on General File	677
Feb. 18	Advanced for Review	755
Feb. 22	Placed on Select File	791
Mar. 4	Advanced for Engrossment	998

Mar. 11	Correctly Engrossed	1130
Apr. 14	Final Reading	1927
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Returned by Governor without approval	1976

LEGISLATIVE BILL 670 By Kremer

Jan. 6	Read first time	125
Jan. 7	Referred to Committee on Public Works	160
Jan. 12	Notice of hearing (1-28)	239
Feb. 3	Placed on General File	530
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 670A By Kremer

Mar. 11	Read first time. Placed on General File	1134
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 671 By Fenger

Jan. 6	Read first time	125
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	160
Jan. 20	Notice of hearing (2-18)	387
Feb. 22	Marvel priority bill	806
Mar. 1	Placed on General File	918
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 672 By Goodrich

Jan. 6	Read first time	125
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	160
Jan. 12	Notice of hearing (1-28)	248
Feb. 3	Placed on General File	533
Feb. 11	Special Order	667
Feb. 18	Committee amendment adopted. DeCamp amendment withdrawn. Advanced for Review	751
Feb. 22	Placed on Select File	790
Mar. 11	E and R amendments adopted. V. Johnson and Beutler amendments adopted. Advanced for Engrossment	1145
Mar. 17	Correctly Engrossed	1241
Mar. 17	E and R changes	1242

Mar. 23	Warner motion to return to Select File lost. Wesely motion to return to Select File prevailed	1372
Mar. 23	Wesely pending amendment adopted. Advanced for Re-Engrossment	1373
Mar. 24	Correctly Re-Engrossed. E and R changes	1396
Apr. 6	Beutler motion to return to Select File withdrawn. Final Reading	1673
Apr. 6	Kilgarin motion to reconsider laid over	1700
Apr. 16	Kilgarin pending motion to reconsider lost	2010
Apr. 16	V. Johnson motion to suspend rules prevailed	2020
Apr. 16	V. Johnson motion to reconsider lost	2021

LEGISLATIVE BILL 673 By Marsh

Jan. 6	Read first time	126
Jan. 7	Referred to Committee on Public Works	160
Jan. 12	Notice of hearing (1-20)	238
Feb. 19	Indefinitely postponed	771

LEGISLATIVE BILL 674 By Schmit

Jan. 6	Read first time	126
Jan. 7	Referred to Committee on Judiciary	160
Jan. 15	Notice of hearing (2-3)	308
Jan. 25	Notice of hearing. Cancelled	396
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 675 By Agriculture and Environment Committee

Jan. 6	Read first time	126
Jan. 7	Referred to Committee on Agriculture and Environment	160
Jan. 13	Notice of hearing (1-28)	272
Jan. 26	Wagner amendment printed	431
Feb. 19	Hefner priority bill	788
Feb. 23	Placed on General File	812
Mar. 16	Committee amendment pending	1188
Mar. 30	Hoagland amendment printed	1505
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 676 By Beutler, Labedz, Beyer

Jan. 6	Read first time	126
Jan. 7	Referred to Committee on Judiciary	160
Jan. 11	Notice of hearing (1-20)	189
Mar. 1	Placed on General File	908
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 676A By Beutler

Mar. 8	Read first time. Placed on General File	1038
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 677 By Pirsch

Jan. 6	Read first time	131
Jan. 7	Referred to Committee on Judiciary	160
Jan. 12	Notice of hearing (1-25)	230
Jan. 29	Placed on General File	469
Feb. 8	Committee amendment adopted. Advanced for Review	587
Feb. 10	Placed on Select File	616
Mar. 4	Advanced for Engrossment	989
Mar. 9	Correctly Engrossed	1060
Mar. 17	Returned to Select File for Pirsch amendment	1212
Mar. 17	Pirsch pending amendment adopted. Advanced for Re-Engrossment	1213
Mar. 17	Correctly Re-Engrossed	1241
Mar. 23	Final Reading	1373
Mar. 24	President signed	1395
Mar. 24	Presented to Governor	1402
Mar. 29	Stoney explanation of vote	1453
Mar. 30	Approved by Governor (3-29)	1462

LEGISLATIVE BILL 678 By Hefner

Jan. 7	Read first time	133
Jan. 7	Referred to Committee on Agriculture and Environment	160
Jan. 13	Notice of hearing (1-28)	272
Feb. 10	Placed on General File	617
Mar. 4	Hefner amendment printed.	993
Mar. 5	Hefner pending amendment adopted. Advanced for Review	1022
Mar. 9	Placed on Select File	1059

Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1336
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 679 By Wesely, Labedz, DeCamp, Kilgarin, Rumery, Higgins, Haberman, Barrett, Nichol, Stoney, Remmers, Kahle, Hefner, Koch, L. Johnson, H. Peterson, Chronister

Jan. 7	Read first time	136
Jan. 7	Referred to Committee on Judiciary	160
Jan. 12	Notice of hearing (1-25)	230
Feb. 16	Indefinitely postponed	712
Feb. 19	Wesely-Rumery-Nichol-L. Johnson-DeCamp-Kahle-Remmers-Koch-Haberman-Higgins-Kilgarin motion to place on General File laid over	770
Mar. 10	Wesely motion to suspend rules lost	1090

LEGISLATIVE BILL 680 By Cope

Jan. 7	Read first time	137
Jan. 7	Referred to Committee on Constitutional Revision and Recreation	160
Jan. 20	Notice of hearing (2-18)	387
Mar. 1	Indefinitely postponed	918

LEGISLATIVE BILL 681 By Government, Military and Veterans Affairs Committee

Jan. 7	Read first time	137
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	160
Jan. 15	Notice of hearing (2-4)	303
Feb. 8	Placed on General File	590
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 682 By Government, Military and Veterans Affairs Committee

Jan. 7	Read first time	137
Jan. 7	Referred to Committee on Government, Military and Veterans Affairs	160

Jan. 27	Notice of hearing (2-18)	435
Mar. 1	Placed on General File	896
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 683 By Beutler

Jan. 7	Read first time	137
Jan. 7	Referred to Committee on Revenue	160
Feb. 2	Notice of hearing (2-10)	513
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 684 By Von Minden, Hefner, Pirsch, Stoney

Jan. 7	Read first time	138
Jan. 7	Referred to Committee on Public Health and Welfare	160
Jan. 12	Notice of hearing (1-19)	248
Feb. 16	Attorney General's Opinion	683
Feb. 17	Von Minden motion to place on General File laid over	719
Feb. 19	Von Minden priority bill	789
Feb. 22	Attorney General's Opinion	807
Feb. 23	Von Minden pending motion p. 719 prevailed. Placed on General File	813
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 685 By Miscellaneous Subjects Committee

Jan. 7	Read first time	138
Jan. 7	Referred to Committee on Miscellaneous Subjects	160
Jan. 13	Notice of hearing (1-28)	271
Feb. 2	Placed on General File	508
Feb. 18	Marvel priority bill. Special Order	756
Feb. 22	Advanced for Review	792
Feb. 22	Expedited	793
Feb. 22	Placed on Select File	803
Feb. 23	Advanced for Engrossment	810
Feb. 23	Correctly Engrossed	814
Feb. 25	Marvel motion to suspend rules prevailed. Final Reading	847
Feb. 25	Speaker signed	867
Feb. 25	Presented to Governor	876
Mar. 3	Koch explanation of vote	941
Mar. 4	Approved by Governor (3-2)	964

LEGISLATIVE BILL 686 By Miscellaneous Subjects Committee

Jan. 7	Read first time	138
Jan. 7	Referred to Committee on Miscellaneous Subjects	160
Jan. 8	Notice of hearing (1-15)	167
Jan. 11	Correction	188
Feb. 19	Miscellaneous Subjects Committee priority bill	788
Feb. 25	Schmit amendment printed	854
Mar. 3	Placed on General File	935
Mar. 5	Beyer amendment printed	1024
Mar. 10	Newell amendment printed	1109
Mar. 15	Fenger amendment to Committee amendment printed	1173
Mar. 16	Committee amendment adopted as amended by Fenger pending amendment p. 1173. Schmit pending amendment p. 854 adopted. Beyer pending amendment p. 1024 lost	1199
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 687 By Haberman, Nichol, Kahle, Von Minden

Jan. 7	Read first time	144
Jan. 7	Referred to Committee on Miscellaneous Subjects	160
Jan. 13	Notice of hearing (2-4)	272
Feb. 19	Miscellaneous Subjects Committee priority bill	788
Mar. 11	Placed on General File	1112
Mar. 18	Hoagland amendment printed	1258
Mar. 19	Hoagland amendment printed	1316
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 688 By Fowler, Landis, Wesely

Jan. 7	Read first time	144
Jan. 7	Referred to Committee on Education	160
Jan. 11	Notice of Hearing (1-18)	221
Feb. 19	Fowler priority bill	788
Feb. 25	Placed on General File	874
Mar. 16	Committee amendment adopted. Advanced for Review	1193
Mar. 17	Beutler-Landis-Fowler-Wesely amendment printed	1246

Mar. 19	Placed on Select File	1278
Mar. 19	Beutler amendment printed	1312
Apr. 6	Fowler et al pending amendment p. 1246 withdrawn. Beutler pending amendment p. 1312 lost. Advanced for Engrossment	1749
Apr. 7	Correctly Engrossed	1784
Apr. 14	Final Reading	1910
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 689 By Miscellaneous Subjects Committee

Jan. 7	Read first time	144
Jan. 7	Referred to Committee on Miscellaneous Subjects	160
Jan. 11	DeCamp name added	222
Jan. 13	Notice of hearing (2-4)	272
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 690 By Hefner

Jan. 7	Read first time	150
Jan. 7	Referred to Committee on Business and Labor	160
Jan. 26	Notice of hearing (2-24)	417
Mar. 8	Indefinitely postponed	1038

LEGISLATIVE BILL 691 By DeCamp

Jan. 7	Read first time	150
Jan. 7	Referred to Committee on Judiciary	160
Jan. 12	Notice of hearing (1-25)	230
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 692 By Rumery

Jan. 7	Read first time	150
Jan. 7	Referred to Committee on Urban Affairs	160
Jan. 13	Notice of hearing (1-20)	271
Jan. 25	Placed on General File	409
Feb. 3	Committee amendments adopted. Advanced for Review	536
Feb. 5	Placed on Select File	564
Mar. 4	E and R amendments adopted. Advanced for Engrossment	980

Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1220
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 693 By Revenue Committee

Jan. 7	Read first time	151
Jan. 8	Referred to Committee on Revenue	186
Jan. 19	Notice of hearing (1-27)	348
Feb. 19	Placed on General File	778
Feb. 22	Marvel priority bill	806
Mar. 23	Carsten amendment printed	1369
Mar. 29	Committee amendments adopted. Carsten pending amendment p. 1369 adopted. Advanced for Review	1442
Mar. 29	Placed on Select File	1451
Mar. 31	Fowler amendment printed	1543
Mar. 31	Fowler amendment printed	1544
Apr. 5	E and R amendments adopted. Beutler amendment lost	1624
Apr. 5	Beutler amendment lost. Fowler pending amendments pp. 1543 and 1544 withdrawn. Advanced for Engrossment	1626
Apr. 6	Correctly Engrossed	1680
Apr. 13	Final Reading	1851
Apr. 13	President signed	1855
Apr. 13	Presented to Governor	1860
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 694 By Kremer

Jan. 7	Read first time	155
Jan. 8	Referred to Committee on Public Works	186
Jan. 12	Notice of hearing (2-10)	239
Feb. 22	Placed on General File	799
Mar. 16	Kremer amendment printed	1201
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 695 By Burrows

Jan. 7	Read first time	155
Jan. 8	Referred to Committee on Revenue	186
Feb. 2	Notice of hearing (2-8)	513

Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 696 By Wagner

Jan. 7	Read first time	155
Jan. 8	Referred to Committee on Government, Military and Veterans Affairs	186
Jan. 15	Notice of hearing (2-5)	303
Feb. 8	Wagner-Kahle amendment printed. Placed on General File	589
Mar. 5	Wagner-Kahle pending amendment p. 589 adopted. Advanced for Review	1021
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1336
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 697 By Lamb

Jan. 7	Read first time	155
Jan. 8	Referred to Committee on Agriculture and Environment	186
Jan. 26	Notice of hearing (2-4)	429
Feb. 23	Placed on General File	812
Mar. 5	Advanced for Review	1026
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1290
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 698 By Fowler

Jan. 7	Read first time	158
Jan. 8	Referred to Committee on Urban Affairs	186
Jan. 13	Notice of hearing (1-20)	271
Jan. 25	Indefinitely postponed	402

LEGISLATIVE BILL 699 By Fowler

Jan. 7	Read first time	158
Jan. 8	Referred to Committee on Appropriations	186
Jan. 20	Notice of hearing (1-27)	377
Jan. 29	Indefinitely postponed	483

LEGISLATIVE BILL 700 By Landis, Wesely

Jan. 7	Read first time	158
Jan. 8	Referred to Committee on Public Works	186
Jan. 12	Notice of hearing (2-4)	239
Mar. 29	Attorney General's Opinion	1417
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 701 By Pirsch

Jan. 7	Read first time	158
Jan. 8	Referred to Committee on Government, Military and Veterans Affairs	186
Jan. 15	Notice of hearing (2-5)	303
Feb. 11	Placed on General File	641
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 702 By Clark

Jan. 8	Read first time	164
Jan. 8	Referred to Committee on Banking, Commerce and Insurance	186
Jan. 14	Notice of hearing (1-25)	296
Feb. 2	Placed on General File	500
Feb. 22	Committee amendments adopted. Burrows motion to indefinitely postpone lost. Advanced for Review	804
Feb. 22	Marvel priority bill	806
Feb. 24	Placed on Select File	826
Feb. 25	Newell amendment printed	879
Mar. 1	E and R amendment adopted. Newell pending amendment p. 879 adopted. Advanced for Engrossment	918
Mar. 4	Correctly Engrossed. E and R changes	977
Mar. 16	Final Reading	1184
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 703 By Kahle

Jan. 8	Read first time	164
Jan. 8	Referred to Committee on Public Health and Welfare	186
Jan. 12	Notice of hearing (1-18)	248
Jan. 27	Placed on General File	437
Feb. 4	Kahle amendment printed	547
Feb. 8	Committee amendment adopted. Kahle pending amendment to Committee amendment p. 547 adopted. Advanced for Review	586
Feb. 10	Placed on Select File	615
Mar. 4	E and R amendment adopted. Advanced for Engrossment	982
Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1221
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 704 By Telecommunications Committee

Jan. 8	Read first time	165
Jan. 8	Referred to Committee on Government, Military and Veterans Affairs	186
Jan. 13	Notice of hearing (1-29)	255
Feb. 17	Placed on General File	729
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 705 By Nichol

Jan. 8	Read first time	165
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-25)	230
Jan. 29	Placed on General File	468
Feb. 8	Advanced for Review	586
Feb. 10	Placed on Select File	616
Feb. 11	Carsten amendment printed	671
Mar. 4	Carsten pending amendment adopted	982
Mar. 4	Nichol amendment adopted. Advanced for Engrossment	989
Mar. 15	Correctly Engrossed	1151
Mar. 15	E and R changes	1152
Mar. 19	Final Reading	1291
Mar. 19	Haberman explanation of vote	1303

Mar. 19 President signed 1305
Mar. 19 Presented to Governor 1309
Mar. 22 Dworak explanation of vote 1331
Mar. 29 Approved by Governor (3-24) 1415

LEGISLATIVE BILL 706 By Landis

Jan. 8 Read first time 165
Jan. 8 Referred to Committee on Constitutional Revision and Recreation 186
Jan. 12 Notice of hearing (1-28) 248
Feb. 3 Placed on General File 533
Feb. 11 Special Order 667
Feb. 18 Committee amendment adopted. Beutler amendment adopted. Failed to advance for Review 751
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 707 By Landis

Jan. 8 Read first time 165
Jan. 8 Referred to Committee on Revenue 186
Feb. 1 Landis amendment printed 491
Feb. 8 Notice of hearing (2-16) 584
Apr. 16 Indefinitely postponed 2023

LEGISLATIVE BILL 708 By DeCamp, Nichol

Jan. 8 Read first time 166
Jan. 8 Referred to Committee on Banking, Commerce and Insurance 186
Jan. 11 Correction 188
Jan. 14 Notice of hearing (1-26) 296
Feb. 11 Placed on General File 645
Feb. 11 Marvel priority bill 677
Mar. 15 Committee amendment adopted. Advanced for Review 1163
Mar. 17 Placed on Select File 1210
Apr. 6 DeCamp-Nichol amendment printed 1732
Apr. 6 E and R amendments adopted. DeCamp-Nichol pending amendment p. 1732 adopted. Kremer and Beutler amendments adopted. Vickers motion to indefinitely postpone withdrawn. Advanced for Engrossment 1743
Apr. 7 Correctly Engrossed 1784

Apr. 7	E and R changes	1785
Apr. 14	Final reading	1911
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 709 By Beutler

Jan. 8	Read first time	167
Jan. 8	Referred to Committee on Education	186
Jan. 25	Notice of hearing (2-1)	411
Feb. 9	Vickers name added	611
Feb. 19	Beutler priority bill	788
Mar. 1	Placed on General File	900
Mar. 29	Beutler amendment printed	1454
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 709A By Beutler

Apr. 1	Read first time. Placed on General File	1563
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 710 By Wiitala

Jan. 8	Read first time	170
Jan. 8	Referred to Committee on Education	186
Jan. 28	Notice of hearing (2-9)	463
Feb. 25	Placed on General File	854
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 711 By Nichol

Jan. 8	Read first time	170
Jan. 8	Referred to Committee on Government, Military and Veterans Affairs	186
Jan. 13	Notice of hearing (1-29)	255
Feb. 1	Indefinitely postponed	490

LEGISLATIVE BILL 712 By Fowler

Jan. 8	Read first time	171
Jan. 8	Referred to Committee on Revenue	186
Jan. 19	Notice of hearing (1-26)	348
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 713 By Schmit

Jan. 8	Read first time	171
Jan. 8	Referred to Committee on Agriculture and Environment	186
Jan. 13	Notice of hearing (1-29)	272
Feb. 10	Placed on General File	617
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 714 By DeCamp

Jan. 8	Read first time	171
Jan. 8	Referred to Committee on Public Health and Welfare	186
Jan. 12	Notice of hearing (1-19)	248
Jan. 20	Fenger name added	387
Feb. 16	Placed on General File	710
Feb. 19	Public Health and Welfare Committee priority bill	788
Mar. 4	Fenger amendment printed	990
Mar. 8	Fenger amendment printed	1051
Mar. 15	Committee amendments adopted. Fenger pending amendments pp. 990 and 1051 withdrawn. Advanced for Review	1166
Mar. 15	Fenger amendment printed	1174
Mar. 17	Placed on Select File	1210
Mar. 18	Fenger amendment printed	1259
Mar. 19	E and R amendments adopted. Fenger pending amendments p. 1174 and p. 1259 adopted. Advanced for Engrossment	1319
Mar. 29	Correctly Engrossed. E and R changes	1414
Apr. 14	Final Reading	1928
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 714A By DeCamp

Mar. 18	Read first time. Placed on General File	1264
Mar. 22	Advanced for Review	1345
Mar. 23	Placed on Select File	1377
Apr. 5	Advanced for Engrossment	1638
Apr. 6	Correctly Engrossed	1692
Apr. 14	Final Reading	1929
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941

Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 715 By Judiciary Committee

Jan. 8	Read first time	171
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-27)	231
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 716 By Judiciary Committee

Jan. 8	Read first time	171
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-20)	230
Feb. 5	Placed on General File	580
Feb. 22	Marvel priority bill	806
Mar. 5	Committee amendment adopted. Advanced for Review	1024
Mar. 9	Placed on Select File	1059
Mar. 11	E and R amendment adopted. Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1292
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 717 By Judiciary Committee

Jan. 8	Read first time	172
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-27)	231
Feb. 5	Placed on General File	580
Feb. 8	Special Order	589
Feb. 17	Committee amendment adopted. Chambers motion to indefinitely postpone lost. Advanced for Review	720
Feb. 18	Placed on Select File	754
Feb. 19	Attorney General's Opinion	775
Mar. 4	E and R amendment adopted. Advanced for Engrossment	975
Mar. 4	Expedited	978
Mar. 4	Correctly Engrossed	987
Mar. 16	Final Reading	1185

Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 718 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	172
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-26)	231
Jan. 29	Placed on General File	468
Feb. 8	Advanced for Review	586
Feb. 10	Placed on Select File	616
Mar. 4	Advanced for Engrossment	989
Mar. 9	Correctly Engrossed	1060
Mar. 17	Final Reading	1213
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 719 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	172
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-26)	231
Jan. 29	Placed on General File	468
Feb. 8	Advanced for Review	586
Feb. 10	Placed on Select File	616
Mar. 4	Advanced for Engrossment	989
Mar. 9	Correctly Engrossed	1060
Mar. 17	Final Reading	1214
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 720 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	172
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-27)	231
Feb. 5	Placed on General File	580
Feb. 22	Marvel priority bill	806
Mar. 5	Advanced for Review	1017

Mar. 9 Placed on Select File 1057
Mar. 10 Hoagland amendment printed.................. 1108
Mar. 11 E and R amendment adopted. Hoagland pending amendment p. 1108 adopted. Advanced for Engrossment 1136
Mar. 17 Correctly Engrossed. E and R changes 1226
Mar. 23 Final Reading 1374
Mar. 24 President signed 1395
Mar. 24 Presented to Governor 1402
Mar. 29 Stoney explanation of vote 1453
Mar. 30 Approved by Governor (3-29) 1462

LEGISLATIVE BILL 721 By Law Enforcement and Justice Advisory Committee

Jan. 8 Read first time................................ 173
Jan. 8 Referred to Committee on Judiciary 186
Jan. 12 Notice of hearing (1-26)........................ 231
Mar. 1 Indefinitely postponed........................... 910

LEGISLATIVE BILL 722 By Law Enforcement and Justice Advisory Committee

Jan. 8 Read first time................................ 173
Jan. 8 Referred to Committee on Judiciary 186
Jan. 12 Notice of hearing (1-26)........................ 231
Jan. 29 Placed on General File.......................... 469
Feb. 8 Committee amendments adopted. Advanced for Review 587
Feb. 10 Placed on Select File 616
Mar. 4 E and R amendment adopted. Advanced for Engrossment 989
Mar. 11 Correctly Engrossed. E and R changes 1130
Mar. 18 Final Reading 1250
Mar. 18 Kilgarin explanation of vote. President signed 1258
Mar. 18 Presented to Governor 1263
Mar. 22 Approved by Governor (3-19) 1349

LEGISLATIVE BILL 723 By Law Enforcement and Justice Advisory Committee

Jan. 8 Read first time................................ 173
Jan. 8 Referred to Committee on Judiciary 186
Jan. 12 Notice of hearing (1-27)........................ 231
Feb. 5 Indefinitely postponed........................... 580

LEGISLATIVE BILL 724 By Law Enforcement and Justice Advisory Committee

Jan. 8	Read first time	174
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-26)	231
Jan. 29	Placed on General File	469
Feb. 8	Advanced for Review	586
Feb. 9	V. Johnson amendment printed	606
Feb. 10	Placed on Select File	616
Mar. 4	E and R amendments adopted. V. Johnson pending amendment p. 606 adopted. Advanced for Engrossment	989
Mar. 15	Correctly Engrossed	1151
Mar. 15	E and R changes	1152
Mar. 19	Final Reading	1293
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 725 By Judiciary Committee

Jan. 8	Read first time	174
Jan. 8	Referred to Committee on Judiciary	186
Jan. 12	Notice of hearing (1-20)	230
Feb. 16	Placed on General File	710
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 726 By Vickers

Jan. 8	Read first time	174
Jan. 8	Referred to Committee on Public Works	186
Jan. 12	Notice of hearing (2-4)	239
Feb. 19	Vickers priority bill	788
Mar. 5	Placed on General File	1003
Mar. 11	Beutler name added	1123
Mar. 11	Special Order	1146
Mar. 17	Kremer amendment printed	1238
Mar. 18	Committee amendment adopted	1259
Mar. 18	Haberman amendment adopted. Advanced for Review	1260
Mar. 23	Placed on Select File	1364
Mar. 30	Attorney General's Opinion	1467
Apr. 7	Kilgarin amendment to E and R	

	amendment printed	1798
Apr. 8	Correction	1799
Apr. 8	E and R amendment adopted as amended by Kilgarin. Beutler-Vickers amendment adopted. H. Peterson motion to indefinitely postpone lost. Failed to advance for Engrossment	1837
Apr. 13	Correction	1844
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 727 By Stoney

Jan. 8	Read first time	179
Jan. 8	Referred to Committee on Urban Affairs	187
Jan. 13	Notice of hearing (1-27)	271
Feb. 5	Indefinitely postponed	568

LEGISLATIVE BILL 728 By Clark

Jan. 8	Read first time	180
Jan. 8	Referred to Committee on Revenue	187
Jan. 14	Notice of hearing (1-19)	296
Jan. 26	Placed on General File	418
Feb. 3	Committee amendment adopted. Advanced for Review	539
Feb. 5	Placed on Select File	564
Mar. 4	E and R amendment adopted. Advanced for Engrossment	981
Mar. 9	Correctly Engrossed	1060
Mar. 17	Final Reading	1214
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 729 By Chronister

Jan. 8	Read first time	180
Jan. 8	Referred to Committee on Government, Military and Veterans Affairs	187
Jan. 13	Notice of hearing (1-28)	255
Jan. 29	Placed on General File	482
Feb. 11	Advanced for Review	667
Feb. 16	Placed on Select File	681
Mar. 4	Advanced for Engrossment	998
Mar. 9	Correctly Engrossed	1060
Mar. 17	Final Reading	1215

Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 730 By V. Johnson

Jan. 8	Read first time	182
Jan. 8	Referred to Committee on Constitutional Revision and Recreation	187
Jan. 25	Notice of hearing (2-4)	403
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 731 By DeCamp, Schmit

Jan. 8	Read first time	182
Jan. 11	Referred to Committee on Public Works	228
Jan. 12	Notice of hearing (1-27)	239
Jan. 25	Schmit amendment printed	412
Feb. 19	DeCamp priority bill	789
Mar. 17	Schmit-DeCamp motion to place on General File laid over	1242
Mar. 22	DeCamp-Schmit pending motion withdrawn	1344
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 732 By Wiitala

Jan. 8	Read first time	183
Jan. 11	Referred to Committee on Business and Labor	228
Jan. 14	Notice of hearing (2-3)	280
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 733 By Haberman, Hoagland

Jan. 8	Read first time	183
Jan. 11	Referred to Committee on Judiciary	228
Jan. 12	Notice of hearing (1-19)	239
Feb. 16	Indefinitely postponed	712

LEGISLATIVE BILL 734 By Sieck

Jan. 8	Read first time	183
Jan. 11	Referred to Committee on Revenue	228
Feb. 8	Notice of hearing (2-24)	584
Apr. 16	Indefinitely postponed	2023
Apr. 26	Attorney General's Opinion	2035

LEGISLATIVE BILL 735 By Hoagland

Jan. 8	Read first time	183
Jan. 11	Referred to Committee on Constitutional Revision and Recreation	228
Jan. 12	Notice of hearing (1-29)	248
Feb. 3	Indefinitely postponed	534

LEGISLATIVE BILL 736 By Hoagland

Jan. 8	Read first time	184
Jan. 11	Referred to Committee on Education	228
Jan. 28	Notice of hearing (2-22)	463
Feb. 24	Indefinitely postponed	827

LEGISLATIVE BILL 737 By Hoagland

Jan. 8	Read first time	184
Jan. 11	Referred to Committee on Education	228
Jan. 25	Notice of hearing (2-2)	411
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 738 By DeCamp, Fowler, Wesely, Nichol

Jan. 8	Read first time	184
Jan. 11	Referred to Committee on Banking, Commerce and Insurance	228
Jan. 14	Wiitala name added	292
Jan. 14	Notice of hearing (1-26)	296
Jan. 18	DeCamp amendment printed	320
Feb. 19	Wesely priority bill	789
Mar. 1	Placed on General File	899
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 739 By Goodrich

Jan. 8	Read first time	184
Jan. 11	Referred to Committee on Public Works	228
Jan. 12	Notice of hearing (1-29)	239
Feb. 8	Placed on General File	585
Mar. 5	Advanced for Review	1021
Mar. 9	Placed on Select File	1059
Mar. 19	Vickers amendment adopted. Advanced for Engrossment	1320
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1513

Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 7	Approved by Governor (4-6)	1767

LEGISLATIVE BILL 740 By Revenue Committee

Jan. 8	Read first time	187
Jan. 11	Referred to Committee on Revenue	228
Jan. 19	Notice of hearing (1-25)	348
Feb. 22	Placed on General File	802
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 740A By Revenue Committee

Mar. 3	Read first time. Placed on General File	950
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 741 By Revenue Committee

Jan. 8	Read first time	187
Jan. 11	Referred to Committee on Revenue	228
Jan. 19	Notice of hearing (1-25)	348
Feb. 19	Indefinitely postponed	779

LEGISLATIVE BILL 742 By Public Works Committee

Jan. 11	Read first time	189
Jan. 11	Referred to Committee on Public Works	228
Jan. 12	Notice of hearing (2-3)	239
Feb. 2	Room change	509
Feb. 8	Placed on General File	585
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 743 By Warner

Jan. 11	Read first time	189
Jan. 12	Referred to Committee on Revenue	253
Feb. 8	Notice of hearing (2-16)	584
Feb. 18	Placed on General File	756
Mar. 5	Advanced for Review	1024
Mar. 9	Placed on Select File	1059
Mar. 19	Warner amendments adopted	1320
Mar. 19	Labedz amendment printed	1323
Mar. 30	Newell amendment printed	1506
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 744 By Clark

Jan. 11	Read first time	189
Jan. 11	Referred to Committee on Government, Military and Veterans Affairs	228
Jan. 15	Notice of hearing (2-4)	303
Feb. 8	Placed on General File	590
Mar. 19	Haberman explanation of vote	1303
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 745 By DeCamp

Jan. 11	Read first time	189
Jan. 11	Referred to Committee on Judiciary	228
Jan. 15	Notice of hearing (2-3)	308
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 746 By Landis

Jan. 11	Read first time	190
Jan. 11	Referred to Committee on Government, Military and Veterans Affairs	228
Jan. 12	Wesely name added	252
Jan. 27	Notice of hearing (2-4)	434
Feb. 17	Placed on General File	729
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 747 By Vickers, Sieck

Jan. 11	Read first time	190
Jan. 11	Referred to Committee on Judiciary	228
Jan. 12	Notice of hearing (1-19)	239
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 748 By Rumery

Jan. 11	Read first time	190
Jan. 11	Referred to Committee on Government, Military and Veterans Affairs	229
Jan. 27	Notice of hearing (2-18)	435
Jan. 29	Attorney General's Opinion	473
Feb. 22	Placed on General File	805
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 749 By Kilgarin, Wiitala

Jan. 11	Read first time	191
Jan. 11	Referred to Committee on Judiciary	229
Jan. 12	Rereferred to Committee on Business and Labor	253
Jan. 26	Notice of hearing (2-17)	416
Mar. 9	Placed on General File	1064
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 749A By Kigarin

Mar. 11	Read first time. Placed on General File	1129
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 750 By Dworak

Jan. 11	Read first time	191
Jan. 11	Referred to Committee on Public Works	229
Jan. 12	Notice of hearing (2-4)	239
Mar. 9	Indefinitely postponed	1068

LEGISLATIVE BILL 751 By Goodrich

Jan. 11	Read first time	191
Jan. 11	Referred to Committee on Banking, Commerce and Insurance	229
Jan. 14	Notice of hearing (1-25)	296
Feb. 11	Placed on General File	646
Feb. 19	Goodrich priority bill	789
Mar. 15	Committee amendments adopted. Advanced for Review	1164
Mar. 17	Placed on Select File	1210
Mar. 19	E and R amendment adopted. Advanced for Engrossment	1319
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1513
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 752 By Wiitala

Jan. 11	Read first time	191
Jan. 11	Referred to Committee on Public Works	229
Jan. 12	Notice of hearing (2-5)	239
Mar. 9	Indefinitely postponed	1068

LEGISLATIVE BILL 753 By Marvel at request of Governor

Jan. 11	Read first time	214
Jan. 11	Referred to Committee on Revenue	229
Jan. 19	Notice of hearing (1-26)	348
Feb. 11	DeCamp amendment printed	676
Feb. 19	Placed on General File	778
Feb. 22	Marvel priority bill	806
Mar. 24	Carsten motion to reject Committee amendment prevailed. DeCamp pending amendment p. 676 withdrawn. Advanced for Review	1407
Mar. 29	Placed on Select File	1413
Mar. 29	Landis-DeCamp amendment printed	1459
Mar. 30	Cullan amendment printed	1493
Mar. 31	Wesely amendment printed	1550
Apr. 5	Landis-DeCamp pending amendment p. 1459 adopted as amended by Warner	1616
Apr. 5	Cullan pending amendment p. 1493 adopted. Wesely pending amendment p. 1550 lost. Chambers amendment adopted. Advanced for Engrossment	1620
Apr. 6	Carsten and Cullan explanation of votes	1698
Apr. 6	Warner amendment printed	1727
Apr. 6	Returned to Select File for Carsten amendment. Carsten amendment adopted. Advanced for Re-Engrossment	1735
Apr. 7	Returned to Select File for Warner amendment	1760
Apr. 7	Warner pending amendment p. 1727 adopted. Advanced for Re-Engrossment	1761
Apr. 7	Correctly Engrossed	1784
Apr. 7	E and R changes	1785
Apr. 14	Final Reading	1912
Apr. 14	President signed	1938
Apr. 14	Presented to Governor. Approved by Governor (4-14)	1941

LEGISLATIVE BILL 754 By Marvel at request of Governor

Jan. 11	Read first time	215
Jan. 11	Referred to Committee on Appropriations	229
Jan. 18	Notice of hearing (1-26)	327
Mar. 17	Placed on General File	1244
Mar. 22	Committee amendments (Req. #2730) adopted	1348
Mar. 22	Committee amendments (Req. #2755) adopted.	

Advanced for Review 1350
Mar. 29 Placed on Select File 1410
Mar. 31 DeCamp-Kilgarin amendment printed 1532
Mar. 31 Advanced for Engrossment 1536
Apr. 5 Correctly Engrossed. E and R changes 1641
Apr. 8 Final Reading 1810
Apr. 8 President signed 1822
Apr. 8 Higgins explanation of vote 1823
Apr. 8 Presented to Governor 1831
Apr. 16 Approved by Governor.
Line item veto (4-14) 1951
Apr. 26 Communication 2026
Apr. 26 Letter 2028
Apr. 26 Certificate 2029

LEGISLATIVE BILL 755 By Marvel at request of Governor

Jan. 11 Read first time 215
Jan. 11 Referred to Committee on Appropriations 229
Feb. 11 Notice of hearing (2-19, 2-22,
2-23, 2-24, 2-25, 2-26) 668
Mar. 17 Placed on General File 1244
Mar. 22 Advanced for Review 1350
Mar. 23 Placed on Select File 1377
Mar. 29 Advanced for Engrossment 1456
Mar. 30 Correctly Engrossed 1488
Apr. 6 Final Reading 1676
Apr. 7 President signed 1760
Apr. 7 Presented to Governor 1763
Apr. 13 Approved by Governor (4-8) 1847

LEGISLATIVE BILL 756 By Marvel at request of Governor

Jan. 11 Read first time 215
Jan. 11 Referred to Committee on Appropriations 229
Feb. 11 Notice of hearing (2-19, 2-22,
2-23, 2-24, 2-25, 2-26) 668
Mar. 18 Placed on General File 1271
Mar. 22 Committee amendment adopted.
Advanced for Review 1350
Mar. 23 Placed on Select File 1377
Mar. 29 Advanced for Engrossment 1456
Mar. 30 Correctly Engrossed 1488
Apr. 6 Final Reading 1676
Apr. 7 President signed 1760
Apr. 7 Presented to Governor 1763

Apr. 13	Approved by Governor (4-8)	1847

LEGISLATIVE BILL 757 By Marvel at request of Governor

Jan. 11	Read first time	215
Jan. 11	Referred to Committee on Revenue	229
Jan. 19	Notice of hearing (1-27)	348
Feb. 19	Placed on General File	778
Feb. 22	Marvel priority bill	806
Mar. 29	Beutler motion to indefinitely postpone lost. Advanced for Review	1425
Mar. 29	Placed on Select File	1451
Mar. 30	Warner amendments printed	1500
Mar. 31	Warner amendment printed	1541
Mar. 31	Fowler amendment printed	1542
Mar. 31	Fowler amendment printed	1543
Apr. 5	Warner pending amendments pp. 1500 and 1541 adopted. Warner pending amendment p. 1500 withdrawn. Beutler amendment lost. Fowler pending amendments pp. 1542 and 1543 withdrawn. Advanced for Engrossment	1621
Apr. 6	Warner amendment printed	1727
Apr. 7	Warner pending amendment p. 1727 withdrawn. Returned to Select File for Warner amendment	1761
Apr. 7	Warner pending amendment adopted. Advanced for Engrossment	1762
Apr. 7	Newell, Newell-Goodrich-Labedz and Chambers motions to return to Select File lost	1764
Apr. 7	Hoagland explanation of vote	1768
Apr. 7	Correctly Engrossed	1784
Apr. 7	E and R changes	1785
Apr. 14	Final Reading	1912
Apr. 14	President signed	1938
Apr. 14	Presented to Governor. Approved by Governor (4-14)	1941

LEGISLATIVE BILL 758 By Marvel at request of Governor

Jan. 11	Read first time	216
Jan. 11	Referred to Committee on Appropriations	229
Jan. 20	Notice of hearing (1-27)	377
Jan. 29	Indefinitely postponed	483
Feb. 1	Fowler motion to place on General File laid over	497

Feb. 4	Fowler pending motion p. 497 lost	552

LEGISLATIVE BILL 759 By Marvel at request of Governor

Jan. 11	Read first time	216
Jan. 11	Referred to Committee on Public Works	229
Jan. 12	Notice of hearing (2-10)	239
Feb. 11	Warner name added	665
Feb. 19	Placed on General File	771
Feb. 19	Warner priority bill	788
Feb. 24	Clark amendment printed	840
Mar. 17	Clark pending amendment p. 840 lost. Beutler amendment lost. Advanced for Review	1242
Mar. 19	Placed on General File	1305
Apr. 8	V. Johnson-Hoagland-Vickers amendment ruled not germane. V. Johnson motion to suspend rules lost. Warner amendment lost as amended by Beutler. Vickers amendment lost. Koch motion to suspend rules lost. Advanced for Engrossment	1833
Apr. 13	Correctly Engrossed	1844
Apr. 16	Final Reading	1991
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 760 By Marvel at request of Governor

Jan. 11	Read first time	216
Jan. 11	Referred to Committee on Revenue	229
Jan. 19	Notice of hearing (1-27)	348
Feb. 11	DeCamp amendment printed	677
Feb. 19	Placed on General File	778
Feb. 22	Marvel priority bill	806
Mar. 18	Schmit amendment printed	1264
Mar. 22	Carsten amendment to Committee amendment printed	1351
Mar. 24	Vickers-Koch amendment to Committee amendments lost. Committee amendments adopted as amended by Carsten pending amendment p. 1351. Advanced for Review	1405
Mar. 29	Placed on Select File	1413
Mar. 29	Clark and Wesely added names to Schmit pending amendment p. 1264	1454
Mar. 29	Schmit name withdrawn from Schmit-	

	Clark-Wesely pending amendment p. 1264	1458
Apr. 5	DeCamp pending amendment p. 677 withdrawn. Clark-Wesely pending amendment p. 1264 lost. Advanced for Engrossment	1615
Apr. 6	Correctly Engrossed	1692
Apr. 13	Final Reading	1852
Apr. 13	President signed	1855
Apr. 13	Presented to Governor	1860
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 761 By Marvel at request of Governor

Jan. 11	Read first time	216
Jan. 11	Referred to Committee on Appropriations	229
Feb. 11	Notice of hearing (2-19, 2-22, 2-23, 2-24, 2-25, 2-26)	668
Mar. 17	Fowler amendment printed	1225
Mar. 18	Placed on General File	1274
Mar. 23	Committee amendment adopted. Newell amendment lost	1388
Mar. 24	Wesely-Remmers-Rumery amendment pending	1398
Mar. 24	Wesely-Remmers-Rumery pending amendment lost. Beutler amendment to Committee amendment lost. V. Johnson amendment lost. Schmit amendment withdrawn. Koch amendment lost	1399
Mar. 24	Koch amendment lost. Advanced for Review	1404
Mar. 29	Placed on Select File	1413
Mar. 29	Hefner amendment printed	1452
Mar. 29	Koch amendment printed	1459
Mar. 30	Koch and Chambers (1) and (2) amendments printed	1488
Mar. 30	Koch-Nichol amendment printed	1497
Mar. 30	R. Peterson amendments (1, 2, & 3) printed	1505
Mar. 30	Fenger amendment to Committee amendment printed	1508
Mar. 31	Koch and Remmers amendments to Committee amendment printed	1546
Apr. 1	E and R amendment adopted. Fowler pending amendment p. 1225 and Hefner pending amendment p. 1452 withdrawn. Koch pending amendment p. 1459 adopted. Koch pending amendment p. 1488 lost. Higgins amendment to Chambers	

pending amendment lost. Chambers pending amendments (1 & 2) p. 1488 lost . . . 1567
Apr. 1 Koch-Nichol pending amendment p. 1497 withdrawn. R. Peterson pending amendment (1) p. 1505 lost. R. Peterson pending amendments (2 & 3) p. 1505 withdrawn 1571
Apr. 1 Fenger pending amendment p. 1508 lost 1574
Apr. 1 Newell amendment to Committee amendment adopted. Newell amendment lost 1576
Apr. 1 Appropriations Committee amendment adopted. Koch pending amendment p. 1546 adopted 1586
Apr. 1 Wesely motion to reconsider Koch amendment p. 1546 prevailed. Koch amendment adopted as amended by Warner. Hefner-Sieck-Fowler-Marsh amendment adopted. Remmers pending amendment p. 1546 adopted. H. Peterson amendment lost. Marsh-Rumery-Fowler-Warner amendment to Committee amendment lost. Hefner-Dworak amendment to Marsh et al amendment lost 1588
Apr. 1 Burrows amendment lost. Wesely-Warner-Rumery-Remmers-Haberman amendment adopted. Wesely and Vickers amendments lost. Wagner-Hefner amendment adopted. Haberman and Burrows amendments lost. Advanced for Engrossment 1597
Apr. 5 Hoagland amendment printed 1616
Apr. 5 Appropriations Committee amendment to Committee amendment printed 1651
Apr. 6 Hoagland pending amendment p. 1616 withdrawn. Hoagland-Duda motion to return to Select File lost 1694
Apr. 6 H. Peterson motion to return to Select File lost 1700
Apr. 6 Appropriations Committee pending amendment p. 1651 withdrawn. Returned to Select File for Appropriations Committee amendment 1704
Apr. 6 Appropriations Committee pending amendment p.1704 adopted. Advanced for Engrossment 1709
Apr. 6 V. Johnson motion to return to Select File lost 1714

Apr. 6	Hoagland motion to return to Select File lost. Hoagland motion to suspend rules lost. Beutler-Chambers motion to return to Select File lost	1720
Apr. 6	Koch motion to return to Select File lost	1724
Apr. 6	Koch-Wiitala motion to reconsider action on Hoagland motion to return to Select File p. 1720 prevailed	1725
Apr. 6	Hoagland pending motion to return to Select File lost	1726
Apr. 6	Chambers motion to return to Select File lost	1734
Apr. 6	Correctly Engrossed. E and R changes	1752
Apr. 8	Lamb motion to suspend rules prevailed. Final Reading	1809
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1831
Apr. 16	Approved by Governor. Line item vetoes (4-14)	1952
Apr. 16	Warner motion to override line item veto lost	2012
Apr. 16	Warner motion to override line item veto prevailed	2013
Apr. 16	Koch motion to override line item veto lost	2014
Apr. 16	Labedz explanation of vote. Fowler motion to override line item veto lost	2017
Apr. 16	Wesely-Schmit-Newell motion to override line item veto lost	2018
Apr. 16	Chambers motion to suspend rules lost	2019
Apr. 26	Letter. Certificate	2026
Apr. 26	Communication	2027
Apr. 26	Certificate	2028

LEGISLATIVE BILL 762 By V. Johnson, H. Peterson

Jan. 11	Read first time	216
Jan. 12	Referred to Committee on Public Health and Welfare	253
Jan. 14	Rereferred to Committee on Revenue	299
Jan. 19	Notice of hearing (1-26)	348
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 763 By Public Works Committee

Jan. 11	Read first time	217
Jan. 12	Referred to Committee on Public Works	253
Jan. 19	Notice of hearing (2-17)	347
Feb. 22	Placed on General File	802
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 764 By Business and Labor Committee

Jan. 11	Read first time	219
Jan. 12	Referred to Committee on Business and Labor	253
Jan. 14	Notice of hearing (1-20)	279
Jan. 29	Placed on General File	472
Feb. 8	Advanced for Review	587
Feb. 10	Placed on Select File	616
Mar. 1	E and R amendment adopted. Advanced for Engrossment	990
Mar. 9	Correctly Engrossed	1060
Apr. 14	Passed over	1930
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 765 By Business and Labor Committee

Jan. 11	Read first time	219
Jan. 12	Referred to Committee on Business and Labor	253
Jan. 14	Notice of hearing (1-27)	279
Feb. 19	Business and Labor Committee priority bill	788
Feb. 22	Placed on General File	804
Mar. 3	Wiitala amendment printed	958
Mar. 15	Committee amendment adopted	1175
Mar. 19	Landis amendment printed	1306
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 766 By Constitutional Revision and Recreation Committee

Jan. 11	Read first time	221
Jan. 12	Referred to Committee on Constitutional Revision and Recreation	253
Jan. 20	Notice of hearing (2-4)	387
Feb. 18	Placed on General File	754
Feb. 19	Constitutional Revision and Recreation Committee priority bill	788
Mar. 15	Committee amendment adopted. Advanced for Review	1166
Mar. 17	Placed on Select File	1210

Mar. 19	Advanced for Engrossment	1320
Mar. 23	Correctly Engrossed. E and R changes	1369
Mar. 31	Final Reading	1514
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 7	Became law without Governor's signature	1768

LEGISLATIVE BILL 767 By Schmit

Jan. 11	Read first time	224
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	253
Jan. 15	Notice of hearing (2-4)	303
Feb. 8	Placed on General File	589
Feb. 22	Marvel priority bill	806
Mar. 5	Advanced for Review	1017
Mar. 9	Placed on Select File	1057
Mar. 11	E and R amendment adopted. Advanced for Engrossment	1132
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1337
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-26)	1416
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 767A By Schmit

Feb. 11	Read first time. Placed on General File	677
Mar. 5	Advanced for Review	1017
Mar. 9	Placed on Select File	1058
Mar. 11	Advanced for Engrossment	1132
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1338
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-26)	1416
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 768 By Higgins

Jan. 11	Read first time	227
Jan. 12	Referred to Committee on Public Health and Welfare	253

Jan. 14	DeCamp, Labedz, Rumery, Kremer names added	292
Jan. 19	Notice of hearing (2-9)	331
Feb. 10	Higgins priority bill	625
Mar. 1	Placed on General File	913
Mar. 8	Wiitala name added	1042
Mar. 17	Higgins amendment printed	1244
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 768A By Higgins, Labedz, Kremer, Rumery, DeCamp

Apr. 1	Read first time. Placed on General File	1570
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 769 By Wesely, Warner

Jan. 11	Read first time	227
Jan. 12	Referred to Committee on Constitutional Revision and Recreation	253
Jan. 20	Notice of hearing (2-4)	387
Feb. 18	Indefinitely postponed	755

LEGISLATIVE BILL 770 By Beutler

Jan. 11	Read first time	228
Jan. 12	Wesely name added	240
Jan. 12	Referred to Committee on Revenue	253
Jan. 27	Notice of hearing (2-3)	441
Feb. 10	Indefinitely postponed	632
Feb. 16	Beutler-Wesely motion to place on General File laid over	713
Feb. 23	Beutler-Wesely pending motion p. 713 lost	810

LEGISLATIVE BILL 771 By Warner

Jan. 11	Read first time	228
Jan. 12	Referred to Committee on Public Works	253
Jan. 19	Notice of hearing (2-11)	347
Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 772 By Clark, Nichol

Jan. 12	Read first time	232
Jan. 12	Referred to Committee on Public Works	253
Jan. 19	Notice of hearing (2-11)	347

Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 773 By Newell

Jan. 12	Read first time	233
Jan. 12	Referred to Committee on Constitutional Revision and Recreation	253
Jan. 20	Notice of hearing (2-11)	387
Feb. 18	Newell motion to place on General File laid over	743
Feb. 18	Indefinitely postponed	755
Feb. 23	Newell pending motion p. 743 lost	814

LEGISLATIVE BILL 774 By Education Committee

Jan. 12	Read first time	233
Jan. 12	Referred to Committee on Education	253
Jan. 14	Notice of hearing (1-26)	301
Feb. 10	Placed on General File	614
Feb. 22	Marvel priority bill	806
Feb. 24	Special Order	845
Mar. 3	Advanced for Review	955
Mar. 5	Placed on Select File	1006
Mar. 11	Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1295
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 775 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	234
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	253
Jan. 14	Notice of hearing (2-2)	296
Feb. 10	Placed on General File	622
Mar. 5	Advanced for Review	1023
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1339
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350

Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 776 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	235
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	253
Jan. 14	Notice of hearing (2-2)	296
Feb. 10	Placed on General File	622
Mar. 5	Advanced for Review	1023
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed. E and R changes	1207
Mar. 22	Final Reading	1339
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 777 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	235
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	253
Jan. 14	Notice of hearing (2-2)	296
Feb. 17	Indefinitely postponed	728

LEGISLATIVE BILL 778 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	235
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	253
Jan. 14	Notice of hearing (2-1)	296
Jan. 19	Notice of hearing (1-25). Reset	369
Jan. 29	Placed on General File	478
Feb. 8	Burrows motion to indefinitely postpone lost. Advanced for Review	587
Feb. 9	Vickers amendment printed	607
Feb. 10	Placed on Select File	616
Mar. 4	E and R amendment adopted. Vickers pending amendment p. 607 withdrawn. Advanced for Engrossment	990

Mar. 9	Correctly Engrossed	1060
Mar. 17	H. Peterson motion to return to Select File withdrawn. Final Reading	1216
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 779 By Banking, Commerce and Insurance Committee

Jan. 12	Read first time	235
Jan. 12	Referred to Committee on Banking, Commerce and Insurance	253
Jan. 14	Notice of hearing (2-1)	296
Jan. 19	Notice of hearing (1-25). Reset	369
Jan. 29	Placed on General File	478
Feb. 8	Committee amendment adopted. Advanced for Review	594
Feb. 10	Placed on Select File	616
Feb. 16	Schmit amendment printed	709
Mar. 4	E and R amendments adopted. Schmit pending amendment adopted. Advanced for Engrossment	991
Mar. 15	Correctly Engrossed	1151
Mar. 19	Final Reading	1294
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 780 By V. Johnson

Jan. 12	Read first time	236
Jan. 12	Referred to Committee on Judiciary	253
Jan. 28	Notice of hearing (2-17)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 781 by V. Johnson

Jan. 12	Read first time	236
Jan. 12	Referred to Committee on Judiciary	254
Jan. 15	Notice of hearing (2-1)	308
Feb. 16	Placed on General File	710
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 782 By Marvel

Jan. 12	Read first time	236
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	254
Jan. 15	Notice of hearing (1-28)	303
Apr. 29	Kilgarin name added	478
Feb. 1	Placed on General File	489
Feb. 11	Committee amendment adopted. Advanced for Review	676
Feb. 16	Placed on Select File	682
Mar. 4	E and R amendments adopted. Kilgarin amendment lost. Advanced for Engrossment	998
Mar. 11	Correctly Engrossed	1130
Mar. 18	Final Reading	1251
Mar. 18	Kilgarin explanation of vote. President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 783 By Beutler

Jan. 12	Read first time	236
Jan. 12	Referred to Committee on Judiciary	254
Jan. 15	Notice of hearing (2-2)	308
Feb. 16	Placed on General File	707
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 784 By Administrative Rules and Regulations Review Committee

Jan. 12	Read first time	236
Jan. 12	Referred to Committee on Administrative Rules and Regulations Review	254
Jan. 14	Notice of hearing (1-20)	279
Feb. 10	Placed on General File	636
Mar. 5	Advanced for Review	1024
Mar 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1295
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331

Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 785 By Koch

Jan. 12	Read first time	237
Jan. 12	Referred to Committee on Public Works	254
Jan. 19	Notice of hearing (2-10)	347
Feb. 22	Marvel priority bill	806
Mar. 15	Placed on General File	1152
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 786 By Schmit

Jan. 12	Read first time	237
Jan. 12	Referred to Committee on Agriculture and Environment	254
Jan. 13	Notice of hearing (1-29)	272
Jan. 26	Schmit motion to suspend rules prevailed	428
Jan. 26	Notice of hearing. Cancelled	429
Jan. 27	Notice of hearing (2-18). Reset	437
Feb. 25	Placed on General File	854
Mar. 5	Warner amendment pending	1026
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 787 By Judiciary Committee

Jan. 12	Read first time	237
Jan. 12	Referred to Committee on Judiciary	254
Jan. 15	Notice of hearing (2-2)	308
Feb. 19	Judiciary Committee priority bill	789
Mar. 3	Placed on General File	946
Mar. 16	Committee amendments adopted. Advanced for Review	1199
Mar. 16	Nichol and Kilgarin amendments printed	1201
Mar. 19	Placed on Select File	1279
Mar. 30	Schmit amendment printed	1508
Apr. 7	E and R amendments adopted. Nichol and Kilgarin pending amendments p. 1201 adopted. Schmit pending amendment p. 1508 withdrawn. Chambers and Nichol amendments adopted. Advanced for Engrossment	1787
Apr. 13	Attorney General's Opinion	1880
Apr. 13	Correctly Engrossed. E and R changes	1887
Apr. 16	Final Reading	1992
Apr. 16	President signed	2000

Apr. 16	Hefner explanation of vote. Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 788 By Judiciary Committee

Jan. 12	Read first time	237
Jan. 12	Referred to Committee on Judiciary	254
Jan. 15	Notice of hearing (2-3)	308
Jan. 20	Koch name added	387
Feb. 16	Indefinitely postponed	707

LEGISLATIVE BILL 789 By Kilgarin

Jan. 12	Read first time	238
Jan. 12	Referred to Committee on Education	254
Jan. 14	Notice of hearing (1-26)	301
Feb. 4	Indefinitely postponed	553
Feb. 5	Attorney General's Opinion	568

LEGISLATIVE BILL 790 By Beyer, Duda

Jan. 12	Read first time	243
Jan. 12	Referred to Committee on Government, Military and Veterans Affairs	254
Jan. 27	Notice of hearing (2-11)	435
Feb. 17	Placed on General File	727
Feb. 19	Duda priority bill	787
Mar. 15	Committee amendment adopted. Advanced for Review	1166
Mar. 17	Placed on Select File	1210
Mar. 19	Advanced for Engrossment	1320
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1516
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-1)	1609

LEGISLATIVE BILL 791 By Beyer

Jan. 12	Read first time	244
Jan. 12	Referred to Committee on Miscellaneous Subjects	254
Jan. 13	Notice of hearing (1-28)	271
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 792 By Judiciary Committee

Jan. 12	Read first time	244
Jan. 12	Referred to Committee on Administrative Rules and Regulations Review	254
Jan. 19	Notice of hearing (1-25)	331
Feb. 19	Administrative Rules and Regulations Review Committee priority bill	789
Mar. 4	Placed on General File	987
Mar. 5	Advanced for Review	1021
Mar. 9	Placed on Select File	1058
Mar. 11	Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1296
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 793 By Fenger, Hefner

Jan. 12	Read first time	244
Jan. 12	Referred to Committee on Revenue	254
Jan. 27	Notice of hearing (2-1)	441
Feb. 24	Placed on General File	844
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 794 By Stoney

Jan. 12	Read first time	244
Jan. 12	Referred to Committee on Public Works	254
Jan. 19	Notice of hearing (2-17)	347
Jan. 23	Placed on General File	812
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 795 By Wesely, Warner

Jan. 12	Read first time	245
Jan. 13	Referred to Committee on Government, Military and Veterans Affairs	277
Jan. 27	Notice of hearing (2-11)	435
Mar. 1	Indefinitely postponed	885
Mar. 15	Attorney General's Opinion	1153

LEGISLATIVE BILL 796 By Koch

Jan. 12	Read first time	245
Jan. 13	Referred to Committee on Education	277
Jan. 25	Notice of hearing (2-1)	411
Feb. 4	Placed on General File	553
Mar. 5	Advanced for Review	1021
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1132
Mar. 17	Correctly Engrossed	1226
Mar. 23	Final Reading	1375
Mar. 24	President signed	1395
Mar. 24	Presented to Governor	1402
Mar. 29	Stoney explanation of vote	1453
Mar. 30	Approved by Governor (3-29)	1462

LEGISLATIVE BILL 797 By Vickers

Jan. 12	Read first time	249
Jan. 13	Referred to Committee on Education	277
Jan. 28	Notice of hearing (2-8)	463
Feb. 10	Placed on General File	614
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 798 By Beyer

Jan. 12	Read first time	251
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	277
Jan. 14	H. Peterson name added	293
Jan. 20	Notice of hearing (2-11)	387
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 799 By DeCamp, Wesely, Fowler, Nichol, Haberman, Kilgarin

Jan. 12	Read first time	252
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	277
Jan. 14	Notice of hearing (1-26)	296
Feb. 19	Banking, Commerce and Insurance Committee priority bill	788
Mar. 1	Placed on General File	885
Mar. 8	Koch amendment to Committee amendments printed	1052
Mar. 16	Committee amendments adopted as	

	amended by Koch pending amendment. Advanced for Review	1196
Mar. 19	Placed on Select File	1278
Mar. 19	Haberman explanation of vote	1303
Mar. 31	DeCamp-Wesely-Schmit-Haberman amendment printed	1551
Apr. 5	DeCamp amendment printed	1616
Apr. 6	Newell-Vickers amendment printed	1754
Apr. 7	E and R amendment adopted. DeCamp et al pending amendment p. 1551 adopted. DeCamp pending amendment p. 1616 adopted. Vickers amendment adopted. Remmers motion to indefinitely postpone lost. Newell-Vickers pending amendment p. 1754 adopted. Newell name added. Koch amendment lost. Advanced for Engrossment	1777
Apr. 13	Correctly Engrossed	1844
Apr. 13	E and R changes	1845
Apr. 16	Remmers motion withdrawn. Final Reading	1997
Apr. 16	President signed	2000
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 799A By DeCamp

Apr. 5	Read first time. Placed on General File	1651
Apr. 7	Advanced for Review	1769
Apr. 7	Placed on Select File	1776
Apr. 7	Koch amendment lost. Advanced for Engrossment	1779
Apr. 13	Correctly Engrossed	1844
Apr. 13	E and R changes	1846
Apr. 16	Final Reading	1998
Apr. 16	Final Reading	1999
Apr. 16	Correctly Enrolled. President signed	2015
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 800 By V. Johnson

Jan. 12	Read first time	252
Jan. 13	Referred to Committee on Business and Labor	277
Jan. 26	Notice of hearing (2-24)	416
Mar. 8	Indefinitely postponed	1038

LEGISLATIVE BILL 801 By Business and Labor Committee

Jan. 13	Read first time	256
Jan. 13	Referred to Committee on Business and Labor	277
Jan. 14	Notice of hearing (1-27)	279
Feb. 2	Placed on General File	499
Feb. 19	Business and Labor Committee priority bill	788
Feb. 23	Committee amendments adopted. Advanced for Review	823
Feb. 25	Placed on Select File	846
Mar. 4	E and R amendments adopted. Advanced for Engrossment	975
Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1222
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 802 By Nichol

Jan. 13	Read first time	259
Jan. 13	Referred to Committee on Public Health and Welfare	277
Jan. 19	Notice of hearing (1-25)	330
Feb. 9	Indefinitely postponed	603

LEGISLATIVE BILL 803 By Carsten

Jan. 13	Read first time	259
Jan. 13	Referred to Committee on Constitutional Revision and Recreation	277
Jan. 25	Notice of hearing (2-19)	403
Mar. 1	Placed on General File	918
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 804 By Cullan

Jan. 13	Read first time	259
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	277
Jan. 14	Notice of hearing (2-8)	296
Feb. 18	Indefinitely postponed	735

LEGISLATIVE BILL 805 By Nichol

Jan. 13	Read first time	261
Jan. 13	Referred to Committee on Judiciary	277
Jan. 15	Notice of hearing (2-2)	310
Feb. 16	Placed on General File	710
Feb. 19	Judiciary Committee priority bill	789
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 806 By Landis

Jan. 13	Read first time	262
Jan. 13	Referred to Committee on Judiciary	277
Jan. 28	Notice of hearing (2-8)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 807 By Landis

Jan. 13	Read first time	262
Jan. 13	Referred to Committee on Urban Affairs	277
Jan. 19	Notice of hearing (2-3)	331
Feb. 10	Placed on General File	632
Feb. 19	Urban Affairs Committee priority bill	788
Mar. 5	Committee amendments adopted. Advanced for Review	1018
Mar. 9	Placed on Select File	1058
Mar. 10	Landis amendment printed	1106
Mar. 11	E and R amendments adopted. Landis pending amendment withdrawn. Landis-Beutler, Landis-Pirsch, and Landis amendment adopted. Advanced for Engrossment	1136
Mar. 18	Correctly Engrossed. E and R changes	1275
Mar. 30	Returned to Select File for Landis amendment. Landis amendment adopted. Advanced for Re-Engrossment	1472
Apr. 1	Correctly Re-Engrossed	1588
Apr. 7	Hefner amendment printed	1789
Apr. 8	Hefner pending amendment withdrawn. Hefner motion to return to Select File pending. Amendment ruled not germane. Hefner motion to suspend rules for consideration of amendment prevailed. Hefner pending motion to return to Select File lost	1811
Apr. 8	Final Reading	1817
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1831

Apr. 13	Approved by Governor (4-12)	1847

LEGISLATIVE BILL 808 By Labedz

Jan. 13	Read first time	262
Jan. 13	Referred to Committee on Miscellaneous Subjects	277
Jan. 15	Notice of hearing (1-28)	308
Feb. 22	Placed on General File	805
Feb. 22	Marvel priority bill	806
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 809 By Stoney

Jan. 13	Read first time	262
Jan. 13	Referred to Committee on Miscellaneous Subjects	277
Jan. 15	Notice of hearing (2-18)	308
Feb. 22	Placed on General File	805
Mar. 5	Chambers motion to indefinitely postpone pending	1024
Mar. 8	Stoney amendment printed	1055
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 810 By Fowler

Jan. 13	Read first time	264
Jan. 13	Referred to Committee on Nebraska Retirement Systems	277
Jan. 19	Notice of hearing (1-27)	348
Feb. 24	Indefinitely postponed	839

LEGISLATIVE BILL 811 By Fowler

Jan. 13	Read first time	264
Jan. 13	Referred to Committee on Nebraska Retirement Systems	277
Jan. 19	Notice of hearing (1-27)	348
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 812 By Landis

Jan. 13	Read first time	264
Jan. 13	Referred to Committee on Judiciary	277
Jan. 28	Notice of hearing (2-8)	447
Feb. 16	Indefinitely postponed	707

LEGISLATIVE BILL 813 By V. Johnson

Jan. 13	Read first time	264
Jan. 13	Referred to Committee on Banking, Commerce and Insurance	277
Jan. 14	Notice of hearing (2-8)	296
Feb. 16	Placed on General File	708
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 814 By Pirsch

Jan. 13	Read first time	266
Jan. 13	Referred to Committee on Judiciary	277
Jan. 28	Notice of hearing (2-8)	447
Feb. 16	Placed on General File	707
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 815 By Miscellaneous Subjects Committee

Jan. 13	Read first time	266
Jan. 13	Referred to Committee on Miscellaneous Subjects	278
Jan. 15	Notice of hearing (2-19)	308
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 816 By Revenue Committee

Jan. 13	Read first time	266
Jan. 13	Referred to Committee on Revenue	278
Jan. 26	Attorney General's Opinion	425
Feb. 8	Notice of hearing (2-22)	584
Feb. 19	Revenue Committee priority bill	788
Mar. 4	Placed on General File	985
Mar. 8	DeCamp amendment printed	1042
Mar. 9	Attorney General's Opinion	1068
Mar. 15	Attorney General's Opinion	1161
Mar. 15	Special Order	1173
Mar. 17	Carsten amendment to Committee amendment printed	1234
Mar. 18	Committee amendment adopted as amended by Carsten pending amendment p. 1234	1264
Mar. 18	DeCamp pending amendment p. 1042 withdrawn. DeCamp amendment lost. Haberman motion to indefinitely postpone lost. Advanced for Review	1265
Mar. 23	Placed on Select File	1366

Mar 23	DeCamp amendment printed	1368
Mar. 29	Attorney General's Opinion	1422
Mar. 30	Attorney General's Opinion	1469
Mar. 30	DeCamp amendment printed	1481
Mar. 30	Attorney General's Opinion	1492
Mar. 31	Vickers and DeCamp amendments printed	1545
Apr. 1	Attorney General's Opinion	1593
Apr. 5	Haberman amendment printed	1614
Apr. 5	Carsten amendment printed	1659
Apr. 7	Attorney General's Opinion	1755
Apr. 7	Kremer amendment printed	1770
Apr. 8	E and R amendments adopted. DeCamp reoffered amendment p. 1265. Newell motion prevailed	1840
Apr. 13	DeCamp amendment lost. DeCamp pending amendments p. 1368 and p. 1481 withdrawn	1855
Apr. 13	DeCamp pending amendment p. 1545 withdrawn. Carsten pending amendment p. 1659 adopted. Vickers pending amendment p. 1545 considered	1862
Apr. 13	Vickers pending amendment p. 1545 withdrawn. Haberman pending amendment p. 1614 lost. Warner amendment adopted. Kremer pending amendment p. 1770 withdrawn. Kremer amendment adopted. Kahle, DeCamp-Haberman-Schmit, Hefner-Carsten-Newell, and DeCamp amendments lost. Advanced for Engrossment	1864
Apr. 13	Correctly Engrossed	1903
Apr. 13	E and R change	1904
Apr. 16	Final Reading	2000
Apr. 16	Final Reading	2001
Apr. 16	Correctly Enrolled. President signed	2015
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2031

LEGISLATIVE BILL 816A By Revenue Committee

Mar. 16	Read first time. Placed on General File	1199
Mar. 18	Advanced for Review	1271
Mar. 22	Carsten amendment printed	1363
Mar. 23	Placed on Select File	1367
Apr. 7	Kremer amendment printed	1770
Apr. 13	E and R amendment withdrawn. Carsten	

	pending amendment p. 1363 adopted. Warner and Kremer amendments adopted. Kremer pending amendment p. 1770 withdrawn. Advanced for Engrossment	1875
Apr. 13	Correctly Engrossed	1903
Apr. 16	Attorney General's Opinion	1993
Apr. 16	Attorney General's Opinion	1994
Apr. 16	Final Reading	2001
Apr. 16	Final Reading	2002
Apr. 16	Chambers motion to suspend rules to reconsider lost	2003
Apr. 16	Correctly Enrolled. President signed	2015
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor. Line-Item Veto (4-20)	2031
Apr. 26	Letter	2034
Apr. 26	Certificate	2035

LEGISLATIVE BILL 817 By Landis, Newell

Jan. 13	Read first time	266
Jan. 13	Referred to Committee on Urban Affairs	278
Jan. 19	Notice of hearing (2-3)	331
Feb. 5	Placed on General File	567
Feb. 19	Newell priority bill	789
Mar. 8	Vickers-Beutler motion to indefinitely postpone lost. Beutler and Vickers amendments adopted. Beutler amendment lost. Advanced for Review	1047
Mar. 11	Placed on Select File	1111
Mar. 19	E and R amendments adopted. Landis-Newell-Beutler amendment adopted. Advanced for Engrossment	1307
Mar. 22	Correction	1330
Mar. 23	Correctly Engrossed. E and R changes	1386
Mar. 31	Final Reading	1517
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 818 By Sieck

Jan. 13	Read first time	267
Jan. 13	Referred to Committee on Judiciary	278
Jan. 15	Notice of hearing (2-1)	308
Jan. 29	Attorney General's Opinion	467

Feb. 19 Sieck priority bill....................................787
Mar. 1 Placed on General File..........................909
Apr. 16 Indefinitely postponed........................2023

LEGISLATIVE BILL 819 By Revenue Committee

Jan. 13 Read first time....................................267
Jan. 13 Referred to Committee on Revenue.............278
Jan. 27 Notice of hearing (2-2)..........................441
Feb. 4 Placed on General File..........................546
Mar. 10 Carsten amendment printed....................1094
Apr. 16 Indefinitely postponed........................2023

LEGISLATIVE BILL 820 By Urban Affairs Committee

Jan. 13 Read first time....................................270
Jan. 14 Referred to Committee on Urban Affairs........299
Jan. 19 Notice of hearing (1-27)........................331
Feb. 5 Indefinitely postponed..........................568

LEGISLATIVE BILL 821 By Urban Affairs Committee

Jan. 13 Read first time....................................270
Jan. 14 Referred to Committee on Urban Affairs........299
Jan. 19 Notice of hearing (2-3)..........................331
Feb. 19 Indefinitely postponed..........................779

LEGISLATIVE BILL 822 By Fowler

Jan. 13 Read first time....................................270
Jan. 14 Referred to Committee on Revenue.............299
Feb. 8 Notice of hearing (2-22)..........................584
Apr. 16 Indefinitely postponed........................2023

LEGISLATIVE BILL 823 By Chronister

Jan. 13 Read first time....................................271
Jan. 14 Referred to Committee on Urban Affairs........299
Jan. 19 Notice of hearing (2-3)..........................331
Feb. 9 Placed on General File..........................607
Apr. 16 Indefinitely postponed........................2023

LEGISLATIVE BILL 824 By Labedz, Haberman, Nichol, Higgins

Jan. 13 Read first time....................................271
Jan. 14 Referred to Committee on Public Works........299
Jan. 15 Remmers name added..............................302

Jan. 15	Kilgarin name added	306
Jan. 15	L. Johnson name added	309
Jan. 19	Notice of hearing (2-17)	347
Feb. 8	DeCamp name added	583
Feb. 19	Labedz priority bill	788
Mar. 9	Labedz motion to place on General File laid over	1060
Mar. 10	Indefinitely postponed	1083
Mar. 11	Labedz pending motion p. 1060 considered. Nichol-Haberman-DeCamp names added to Labedz pending motion. Labedz et al pending motion to place on General File prevailed	1119
Mar. 11	Koch amendment printed	1120
Mar. 17	Labedz amendment printed	1232
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 825 By Beutler

Jan. 14	Read first time	284
Jan. 14	Referred to Committee on Miscellaneous Subjects	299
Jan. 15	Notice of hearing (2-19)	308
Feb. 23	Placed on General File	816
Mar. 5	Beutler amendment adopted. Advanced for Review	1026
Mar. 9	Placed on Select File	1059
Apr. 13	Attorney General's Opinion	1860
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 826 By L. Johnson

Jan. 14	Read first time	284
Jan. 14	Referred to Committee on Banking, Commerce and Insurance	299
Jan. 25	Notice of hearing (2-1)	404
Feb. 10	Placed on General File	622
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 826A By L. Johnson

Feb. 19	Read first time. Placed on General File	758
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 827 By Duda, Higgins, Kilgarin, Wiitala, Newell, Chambers, Labedz, Hoagland, Fenger, Koch, V. Johnson, Pirsch, Beyer, Goll, L. Johnson

Jan. 14	Read first time	284
Jan. 14	Referred to Committee on Education	300
Jan. 14	Notice of hearing (1-26)	301
Feb. 8	Placed on General File	589
Feb. 10	Special Order	622
Feb. 18	Committee amendment adopted. Advanced for Review	755
Feb. 19	Higgins name withdrawn	774
Feb. 22	Placed on Select File	791
Mar. 4	Advanced for Engrossment	1001
Mar. 11	Correctly Engrossed	1130
Mar. 18	Final Reading	1252
Mar. 18	Kilgarin explanation of vote. President signed	1258
Mar. 18	Presented to Governor	1263
Mar. 24	Approved by Governor (3-23)	1391

LEGISLATIVE BILL 828 By Public Health and Welfare Committee

Jan. 14	Read first time	284
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (1-26)	330
Feb. 9	Placed on General File	603
Mar. 5	Advanced for Review	1022
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1340
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 829 By Public Health and Welfare Committee

Jan. 14	Read first time	285
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (1-25)	330
Jan. 26	Placed on General File	421
Feb. 4	Advanced for Review	558

Feb. 8	Placed on Select File	583
Mar. 4	E and R amendment adopted. Advanced for Engrossment	982
Mar. 10	Correctly Engrossed	1082
Mar. 17	Final Reading	1222
Mar. 18	President signed	1248
Mar. 18	Presented to Governor	1258
Mar. 22	Approved by Governor (3-19)	1349

LEGISLATIVE BILL 830 By Public Health and Welfare Committee

Jan. 14	Read first time	285
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 29	Notice of hearing (2-16)	466
Feb. 25	Indefinitely postponed	866

LEGISLATIVE BILL 831 By Public Health and Welfare Committee

Jan. 14	Read first time	285
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (2-1)	331
Mar. 1	Placed on General File	914
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 832 By Public Health and Welfare Committee

Jan. 14	Read first time	286
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (2-1)	331
Feb. 9	Placed on General File	603
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 833 By Koch

Jan. 14	Read first time	286
Jan. 14	Referred to Committee on Revenue	300
Feb. 2	Notice of hearing (2-9)	513
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 834 By Nichol, Cullan

Jan. 14	Read first time	287
Jan. 14	Referred to Committee on Public Health and Welfare	300

Jan. 29	Notice of hearing (2-8)	466
Feb. 9	Placed on General File	607
Feb. 18	Marvel priority bill. Special Order	756
Feb. 22	Advanced for Review	793
Feb. 22	Placed on Select File	804
Feb. 22	Expedited	806
Feb. 23	Advanced for Engrossment	810
Feb. 23	Correctly Engrossed	814
Feb. 23	Schmit amendment printed	823
Feb. 25	Marvel motion to sustain rules prevailed	847
Feb. 25	Schmit pending amendment p. 823 withdrawn. Final Reading	848
Feb. 25	Speaker signed	867
Feb. 25	Presented to Governor	876
Mar. 1	Approved by Governor (2-26)	913
Mar. 3	Koch explanation of vote	941

LEGISLATIVE BILL 835 By Wiitala, Wesely

Jan. 14	Read first time	288
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (1-26)	330
Feb. 4	Wiitala motion to place on General File laid over	556
Feb. 4	Wesely name added to Wiitala pending motion	561
Feb. 11	Wiitala priority bill	677
Feb. 25	Placed on General File	866
Mar. 16	Committee amendments adopted. Advanced for Review	1192
Mar. 16	Schmit amendment printed	1194
Mar. 19	Placed on Select File	1278
Apr. 1	Wiitala amendment to Committee amendment printed	1563
Apr. 6	E and R amendment adopted. Schmit pending amendment p. 1194 withdrawn. Wiitala pending amendment p. 1563 adopted. Advanced for Engrossment	1749
Apr. 7	Correctly Engrossed. E and R change	1784
Apr. 14	Final Reading	1913
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 835A By Wesely

Apr. 1	Read first time. Placed on General File	1573
Apr. 5	Advanced for Review	1613
Apr. 5	Placed on Select File	1634
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 836 By Wiitala

Jan. 14	Read first time	288
Jan. 14	Referred to Committee on Public Health and Welfare	300
Jan. 19	Notice of hearing (1-26)	330
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 837 By Remmers

Jan. 14	Read first time	289
Jan. 14	Referred to Committee on Miscellaneous Subjects	300
Jan. 15	Notice of hearing (2-18)	308
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 838 By Schmit

Jan. 14	Read first time	289
Jan. 14	Referred to Committee on Miscellaneous Subjects	300
Jan. 15	Notice of hearing (2-18)	308
Feb. 23	Placed on General File	816
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 839 By Beyer

Jan. 14	Read first time	296
Jan. 18	Referred to Committee on Miscellaneous Subjects	316
Jan. 25	Notice of hearing (2-25)	411
Mar. 3	Placed on General File	935
Mar. 5	Advanced for Review	1027
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1297
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305

Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 840 By Rumery

Jan. 15	Read first time	303
Jan. 18	Referred to Committee on Agriculture and Environment	316
Jan. 26	Notice of hearing (2-4)	429
Feb. 23	Indefinitely postponed	813

LEGISLATIVE BILL 841 By Rumery

Jan. 15	Read first time	304
Jan. 18	Referred to Committee on Miscellaneous Subjects	316
Jan. 25	Notice of hearing (2-25)	411
Mar. 11	Placed on General File	1113
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 842 By Hefner

Jan. 15	Read first time	304
Jan. 18	Referred to Committee on Constitutional Revision and Recreation	316
Jan. 25	Notice of hearing (2-11)	403
Feb. 18	Indefinitely postponed	755

LEGISLATIVE BILL 843 By V. Johnson

Jan. 15	Read first time	304
Jan. 18	Referred to Committee on Business and Labor	316
Jan. 20	Notice of hearing (1-27)	381
Mar. 8	Indefinitely postponed	1038

LEGISLATIVE BILL 844 By V. Johnson

Jan. 15	Read first time	304
Jan. 18	Referred to Committee on Government, Military and Veterans Affairs	316
Jan. 27	Notice of hearing (2-19)	435
Mar. 1	Indefinitely postponed	885

LEGISLATIVE BILL 845 By V. Johnson

Jan. 15	Read first time	304
Jan. 18	Referred to Committee on Education	316
Jan. 25	Notice of hearing (2-2)	411
Feb. 4	Placed on General File	553
Mar. 5	Advanced for Review	1021
Mar. 5	Hoagland name added	1022
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1132
Mar. 16	Correctly Engrossed	1207
Mar. 22	Final Reading	1341
Mar. 22	President signed	1344
Mar. 22	Presented to Governor	1350
Mar. 29	Approved by Governor (3-24)	1415
Mar. 29	Stoney explanation of vote	1453

LEGISLATIVE BILL 846 By Sieck

Jan. 15	Read first time	308
Jan. 18	Referred to Committee on Revenue	316
Jan. 18	H. Peterson name added	327
Jan. 19	Kahle and Wagner names added	370
Feb. 8	Notice of hearing (2-24)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 847 By Schmit

Jan. 15	Read first time	310
Jan. 18	Referred to Committee on Agriculture and Environment	316
Jan. 27	Notice of hearing (2-19)	437
Mar. 3	Placed on General File	945
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 848 By Public Works Committee

Jan. 18	Read first time	317
Jan. 19	Referred to Committee on Public Works	348
Jan. 26	Notice of hearing (2-11)	419
Mar. 3	Placed on General File	924
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 849 By Public Works Committee

Jan. 18	Read first time	317
Jan. 19	Referred to Committee on Public Works	348
Jan. 26	Notice of hearing (2-18)	419

Feb. 19 Kremer priority bill..........788
Mar. 3 Placed on General File..........935
Mar. 4 Hoagland amendment printed..........987
Mar. 17 Kremer-Schmit amendment printed..........1247
Apr. 16 Indefinitely postponed..........2023

LEGISLATIVE BILL 850 By Public Works Committee

Jan. 18 Read first time..........317
Jan. 19 Referred to Committee on Public Works..........348
Jan. 26 Notice of hearing (2-18)..........419
Feb. 19 Public Works Committee priority bill..........788
Mar. 3 Placed on General File..........924
Apr. 16 Indefinitely postponed..........2023

LEGISLATIVE BILL 851 By Public Works Committee

Jan. 18 Read first time..........317
Jan. 19 Referred to Committee on Public Works..........348
Jan. 20 Notice of hearing (1-28)..........381
Feb. 3 Placed on General File..........530
Apr. 16 Indefinitely postponed..........2023

LEGISLATIVE BILL 852 By Public Works Committee

Jan. 18 Read first time..........318
Jan. 19 Notice of hearing (1-29)..........347
Jan. 19 Referred to Committee on Public Works..........348
Feb. 8 Placed on General File..........585
Feb. 10 Committee amendment correction..........614
Feb. 17 Kremer amendment to Committee amendments printed..........717
Feb. 19 Public Works Committee priority bill..........788
Feb. 25 Beutler amendment printed..........878
Mar. 8 Committee amendments adopted as amended by Kremer pending amendment p. 717. Beutler pending amendment ruled not germane. Advanced for Review..........1055
Mar. 11 Placed on Select File..........1112
Mar. 11 Wagner amendments printed..........1134
Mar. 18 Wesely amendment printed..........1248
Mar. 19 E and R amendments adopted. Wagner pending amendments p. 1134 adopted. Wesely pending amendment p. 1248 lost. Kremer amendment adopted. Advanced for Engrossment..........1308

Mar. 23	Correctly Engrossed	1386
Mar. 23	E and R changes	1387
Mar. 31	Final Reading	1517
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 853 By Fowler

Jan. 18	Read first time	321
Jan. 19	Referred to Committee on Public Health and Welfare	348
Jan. 29	Notice of hearing (2-23)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 854 By Fowler

Jan. 18	Read first time	321
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	348
Jan. 27	Notice of hearing (2-18)	435
Feb. 19	Government, Military and Veterans Affairs Committee priority bill	789
Feb. 22	Placed on General File	805
Mar. 16	Committee amendment adopted. Advanced for Review	1188
Mar. 19	Placed on Select File	1277
Mar. 22	Kahle amendment printed	1350
Apr. 6	E and R amendment adopted. Kahle pending amendment withdrawn. Kahle amendment adopted. Advanced for Engrossment	1746
Apr. 7	Correctly Engrossed	1784
Apr. 14	Final Reading	1914
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 854A By Fowler

Mar. 1	Read first time. Placed on General File	903
Mar. 16	Advanced for Review	1188
Mar. 19	Placed on Select File	1278
Apr. 6	E and R amendment adopted. Advanced for Engrossment	1746

Apr. 7 Correctly Engrossed....................1784
Apr. 14 Final Reading....................1915
Apr. 14 President signed....................1938
Apr. 14 Presented to Governor....................1941
Apr. 16 Approved by Governor (4-16)....................1977

LEGISLATIVE BILL 855 By Fowler

Jan. 18 Read first time....................322
Jan. 19 Referred to Committee on Banking, Commerce and Insurance....................348
Jan. 25 Notice of hearing (2-1)....................404
Feb. 18 Indefinitely postponed....................735

LEGISLATIVE BILL 856 By Fowler

Jan. 18 Read first time....................322
Jan. 19 Referred to Committee on Judiciary....................348
Jan. 28 Notice of hearing (2-9)....................447
Apr. 16 Indefinitely postponed....................2023

LEGISLATIVE BILL 857 By Fowler

Jan. 18 Read first time....................322
Jan. 19 Referred to Committee on Revenue....................348
Feb. 2 Notice of hearing (2-8)....................513
Apr. 16 Indefinitely postponed....................2023

LEGISLATIVE BILL 858 By Marsh

Jan. 18 Read first time....................322
Jan. 19 Referred to Committee on Judiciary....................348
Jan. 28 Notice of hearing (2-9)....................447
Jan. 29 Marsh amendment printed....................466
Feb. 16 Indefinitely postponed....................707

LEGISLATIVE BILL 859 By Marsh

Jan. 18 Read first time....................322
Jan. 19 Referred to Committee on Miscellaneous Subjects....................348
Jan. 25 Notice of hearing (3-4)....................411
Jan. 26 Notice of hearing. Reset (2-19)....................432
Feb. 19 Marsh priority bill....................789
Feb. 23 Placed on General File....................816
Apr. 16 Indefinitely postponed....................2023

LEGISLATIVE BILL 860 By Nichol

Jan. 18	Read first time	322
Jan. 19	Correction	330
Jan. 19	Referred to Committee on Public Works	348
Jan. 26	Notice of hearing (2-25)	419
Mar. 1	Placed on General File	916
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 861 By Nichol

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Agriculture and Environment	348
Jan. 26	Notice of hearing (2-4)	429
Feb. 23	Placed on General File	812
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 862 By Beutler

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Judiciary	348
Jan. 28	Notice of hearing (2-9)	447
Feb. 16	Indefinitely postponed	707

LEGISLATIVE BILL 863 By Landis

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Public Health and Welfare	349
Jan. 29	Notice of hearing (2-8)	466
Feb. 18	Placed on General File	748
Feb. 24	Attorney General's Opinion	828
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 863A By Landis

Mar. 18	Read first time. Placed on General File	1259
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 864 By Hefner, H. Peterson

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Business and Labor	349
Jan. 20	Notice of hearing (2-10)	381
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 865 By Goodrich

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Judiciary	349
Jan. 19	Goodrich motion to withdraw laid over	370
Jan. 25	Goodrich pending motion prevailed. Withdrawn	398

LEGISLATIVE BILL 866 By Goodrich

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Banking, Commerce and Insurance	349
Jan. 25	Notice of hearing (2-2)	404
Feb. 16	Placed on General File	712
Feb. 17	Goodrich amendment printed	726
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 867 By Goodrich

Jan. 18	Read first time	323
Jan. 19	Referred to Committee on Judiciary	349
Jan. 28	Notice of hearing (2-16)	447
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 868 By Fenger

Jan. 18	Read first time	324
Jan. 19	Referred to Committee on Urban Affairs	349
Jan. 20	Notice of hearing (1-27)	381
Feb. 19	Urban Affairs Committee priority bill	788
Mar. 1	Placed on General File	910
Mar. 15	Landis amendment to Committee amendment printed	1176
Mar. 16	Committee amendment adopted as amended by Landis pending amendment. Advanced for Review	1197
Mar. 19	Placed on Select File	1278
Apr. 6	E and R amendment adopted. Landis-Wiitala-Fenger-Duda-Beyer-Labedz amendment lost. Koch amendment adopted. Advanced for Engrossment	1750
Apr. 13	Correctly Engrossed	1844
Apr. 13	E and R changes	1846
Apr. 16	Final Reading	2006
Apr. 16	President signed	2015

Apr. 16	Stoney explanation of vote. Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 869 By Stoney

Jan. 18	Read first time	324
Jan. 19	Referred to Committee on Miscellaneous Subjects	349
Jan. 25	Notice of hearing (3-4)	411
Feb. 9	Notice of hearing (2-18). Reset	607
Feb. 22	Placed on General File	805
Mar. 5	Advanced for Review	1025
Mar. 9	Placed on Select File	1059
Mar. 19	E and R amendment adopted. Chambers motion to indefinitely postpone lost. Advanced for Engrossment	1321
Mar. 23	Correctly Engrossed	1369
Mar. 30	Attorney General's Opinion	1462
Mar. 31	Chambers motion to return to Select File lost	1518
Mar. 31	Final Reading	1519
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 870 By Stoney

Jan. 18	Read first time	324
Jan. 19	Referred to Committee on Judiciary	349
Jan. 28	Notice of hearing (2-22)	450
Feb. 19	Stoney priority bill	788
Mar. 1	Placed on General File	908
Mar. 5	Special Order	1007
Mar. 8	DeCamp amendment printed	1046
Mar. 11	Stoney amendment adopted. DeCamp pending amendment p. 1046 withdrawn. Vickers motion to indefinitely postpone withdrawn	1122
Mar. 11	Chambers motion to indefinitely postpone prevailed	1131
Mar. 15	Beyer motion to reconsider laid over	1165
Mar. 19	Beyer pending motion to reconsider prevailed	1305
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 871 By Government, Military and Veterans Affairs Committee

Jan. 18	Read first time	324
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	349
Jan. 27	Notice of hearing (2-25)	435
Feb. 5	Notice of hearing (2-19). Reset	575
Mar. 1	Indefinitely postponed	885
Mar. 19	Correction	1307

LEGISLATIVE BILL 872 By Wiitala

Jan. 18	Read first time	325
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	349
Jan. 27	Notice of hearing (2-19)	435
Mar. 1	Indefinitely postponed	885

LEGISLATIVE BILL 873 By Schmit

Jan. 18	Read first time	325
Jan. 19	Referred to Committee on Agriculture and Environment	349
Jan. 26	Notice of hearing (2-4)	429
Feb. 23	Placed on General File	812
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 873A By Schmit

Mar. 8	Read first time. Placed on General File	1037
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 874 By Kremer, Schmit, Cullan

Jan. 18	Read first time	325
Jan. 19	Referred to Committee on Public Works	349
Jan. 26	Notice of hearing (2-25)	419
Mar. 1	Placed on General File	916
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 875 By Remmers

Jan. 18	Read first time	327
Jan. 19	Referred to Committee on Urban Affairs	349
Jan. 26	Notice of hearing (2-10)	427
Feb. 11	Placed on General File	678

Feb. 19	Remmers priority bill	788
Mar. 10	Landis-Remmers amendment printed	1107
Mar. 15	Committee amendments adopted. Landis-Remmers pending amendment p. 1107 adopted. Advanced for Review	1164
Mar. 17	Placed on Select File	1210
Mar. 19	E and R amendments adopted. Advanced for Engrossment	1319
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1520
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 5	Approved by Governor (4-5)	1633

LEGISLATIVE BILL 876 By Burrows

Jan. 18	Read first time	327
Jan. 19	Referred to Committee on Revenue	349
Feb. 8	Notice of hearing (2-17)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 877 By Rumery

Jan. 18	Read first time	328
Jan. 19	Referred to Committee on Public Works	349
Jan. 26	Notice of hearing (2-25)	419
Feb. 19	Rumery priority bill	788
Mar. 1	Placed on General File	886
Mar. 5	Advanced for Review	1020
Mar. 9	Placed on Select File	1058
Mar. 11	Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1298
Mar. 19	Haberman explanation of vote	1303
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 878 By Koch

Jan 18	Read first time	328
Jan. 19	Referred to Committee on Revenue	349
Feb. 8	Notice of hearing (2-17)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 879 By V. Johnson

Jan. 18	Read first time	328
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	349
Jan. 27	Notice of hearing (2-5)	434
Feb. 10	Placed on General File	615
Feb. 11	Correction	639
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 879A By V. Johnson

Apr. 5	Read first time. Placed on General File	1645
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 880 By Wesely, Kilgarin, Hoagland, Wiitala, V. Johnson

Jan. 18	Read first time	328
Jan. 19	Referred to Committee on Public Health and Welfare	349
Jan. 29	Notice of hearing (2-18)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 881 By Fenger, Pirsch, Kilgarin

Jan. 19	Read first time	339
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-10)	427
Mar. 3	Placed on General File	941
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 882 By Beutler

Jan. 19	Read first time	339
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	385
Jan. 27	Notice of hearing (2-11)	435
Feb. 1	Chronister and Higgins names added	492
Feb. 17	Placed on General File	727
Feb. 19	Government, Military and Veterans Affairs Committee priority bill	789
Mar. 15	Attorney General's Opinion	1157
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 883 By Cullan

Jan. 19	Read first time	339
Jan. 20	Referred to Committee on Public Health and Welfare	385
Jan. 25	Notice of hearing (2-2)	403
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 884 By Cullan

Jan. 19	Read first time	340
Jan. 20	Referred to Committee on Public Health and Welfare	385
Jan. 29	Notice of hearing (2-9)	466
Feb. 25	Indefinitely postponed	866

LEGISLATIVE BILL 885 By Wagner

Jan. 19	Read first time	340
Jan. 20	Referred to Committee on Public Works	385
Jan. 26	Notice of hearing (2-24)	419
Mar. 1	Attorney General's Opinion	890
Mar. 1	Placed on General File	917
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 886 By Hefner

Jan. 19	Read first time	340
Jan. 20	Referred to Committee on Business and Labor	385
Jan. 26	Notice of hearing (2-17)	416
Mar. 1	Indefinitely postponed	910

LEGISLATIVE BILL 887 By Vickers

Jan. 19	Read first time	340
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-10)	427
Feb. 11	Placed on General File	677
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 888 By Newell

Jan. 19	Read first time	340
Jan. 20	Referred to Committee on Miscellaneous Subjects	385
Jan. 25	Notice of hearing (2-11)	411
Feb. 16	Placed on General File	705

Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 889 By Wesely, Vickers

Jan. 19 Read first time..................................341
Jan. 20 Referred to Committee on Public Works........385
Jan. 26 Notice of hearing (2-24)..........................419
Feb. 22 Marvel priority bill 806
Mar. 15 Placed on General File.........................1164
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 890 By Vickers, Remmers, Koch

Jan. 19 Read first time..................................341
Jan. 20 Referred to Committee on Revenue.............385
Jan. 27 Notice of hearing (2-3)..........................441
Mar. 3 Placed on General File...........................954
Mar. 5 Advanced for Review...........................1027
Mar. 9 Placed on Select File 1059
Mar. 11 E and R amendment adopted. Laid over.......1133
Mar. 22 Attorney General's Opinion 1332
Apr. 1 Vickers amendment printed.....................1575
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 890A By Vickers, Koch

Mar. 9 Read first time. Placed on General File........1079
Mar. 15 Advanced for Review...........................1173
Mar. 17 Placed on Select File 1210
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 891 By Haberman

Jan. 19 Read first time..................................341
Jan. 20 Referred to Committee on Education............385
Jan. 28 Notice of hearing (2-22)..........................463
Feb. 22 Marvel priority bill 806
Apr. 16 Indefinitely postponed..........................2023

LEGISLATIVE BILL 892 By Haberman

Jan. 19 Read first time..................................341
Jan. 20 Referred to Committee on Education............385
Jan. 28 Notice of hearing (2-22)..........................463
Feb. 24 Placed on General File...........................826
Mar. 5 Advanced for Review...........................1026
Mar. 8 Koch amendment printed.......................1052

Mar. 9	Placed on Select File	1059
Mar. 19	Koch pending amendment p. 1052 adopted. Advanced for Engrossment	1322
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1520
Apr. 1	Beyer explanation of vote	1557
Apr. 1	President signed	1588
Apr. 1	Presented to Governor	1593
Apr. 7	Approved by Governor (4-6)	1767

LEGISLATIVE BILL 893 By Schmit

Jan. 19	Read first time	341
Jan. 20	Referred to Committee on Agriculture and Environment	385
Jan. 27	Notice of hearing (2-19)	437
Feb. 19	Agriculture and Environment Committee priority bill	789
Mar. 4	Placed on General File	984
Mar. 15	Attorney General's Opinion	1161
Apr. 1	Attorney General's Opinion	1596
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 894 By Schmit

Jan. 19	Read first time	341
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	385
Jan. 26	Notice of hearing (2-9)	417
Feb. 4	Notice of hearing. Cancelled	546
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 895 By Koch, Remmers

Jan. 19	Read first time	343
Jan. 20	Referred to Committee on Education	385
Jan. 28	Notice of hearing (2-8)	463
Feb. 19	Education Committee priority bill	788
Feb. 24	Placed on General File	826
Mar. 9	Kremer amendment printed	1070
Mar. 16	Committee amendments adopted. Laid over	1188
Mar. 29	Koch amendment printed	1446
Apr. 8	Attorney General's Opinion	1816
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 896 By Koch

Jan. 19	Read first time	343
Jan. 20	Referred to Committee on Education	385
Jan. 28	Notice of hearing (2-16)	463
Feb. 19	Education Committee priority bill	788
Feb. 25	Placed on General File	874
Mar. 16	Committee amendments adopted. Laid over	1196
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 897 By Wagner

Jan. 19	Read first time	343
Jan. 20	Referred to Committee on Agriculture and Environment	385
Jan. 26	Notice of hearing (2-4)	429
Feb. 23	Placed on General File	812
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 898 By DeCamp

Jan. 19	Read first time	344
Jan. 20	Referred to Committee on Revenue	385
Feb. 8	Notice of hearing (2-22)	584
Mar. 1	Attorney General's Opinion	887
Mar. 3	Attorney General's Opinion	930
Mar. 22	Attorney General's Opinion	1355
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 899 By Kahle

Jan. 19	Read first time	344
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-10)	427
Feb. 19	Indefinitely postponed	779

LEGISLATIVE BILL 900 By Miscellaneous Subjects Committee

Jan. 19	Read first time	344
Jan. 20	Referred to Committee on Miscellaneous Subjects	385
Jan. 25	Notice of hearing (2-25)	411
Mar. 11	Indefinitely postponed	1143

LEGISLATIVE BILL 901 By Hoagland

Jan. 19	Read first time	344
Jan. 20	Referred to Committee on Judiciary	385
Jan. 28	Notice of hearing (2-9)	447
Feb. 16	Placed on General File	711
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 902 By Hoagland

Jan. 19	Read first time	345
Jan. 20	Referred to Committee on Nebraska Retirement Systems	385
Jan. 26	Notice of hearing (2-3)	428
Feb. 4	Placed on General File	561
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 903 By Revenue Committee

Jan. 19	Read first time	345
Jan. 20	Referred to Committee on Revenue	385
Jan. 27	Notice of hearing (2-1)	441
Feb. 19	Revenue Committee priority bill	788
Mar. 5	Placed on General File	1009
Apr. 7	Committee amendment adopted as amended by Carsten. Advanced for Review	1769
Apr. 7	Placed on Select File	1776
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 903A By Carsten

Mar. 9	Read first time. Placed on General File	1078
Apr. 7	Advanced for Review	1769
Apr. 7	Placed on Select File	1776
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 904 By Beyer

Jan. 19	Read first time	345
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-17)	428
Feb. 19	Indefinitely postponed	787

LEGISLATIVE BILL 905 By Burrows

Jan. 19	Read first time	345
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	385
Jan. 27	Notice of hearing (2-25)	437
Mar. 1	Indefinitely postponed	918

LEGISLATIVE BILL 906 By Burrows

Jan. 19	Read first time	345
Jan. 20	Referred to Committee on Public Health and Welfare	385
Jan. 29	Notice of hearing (2-16)	466
Feb. 25	Indefinitely postponed	866

LEGISLATIVE BILL 907 By Burrows

Jan. 19	Read first time	346
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	385
Jan. 26	Notice of hearing (2-9)	417
Feb. 24	Indefinitely postponed	844

LEGISLATIVE BILL 908 By Burrows

Jan. 19	Read first time	346
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-17)	428
Feb. 19	Indefinitely postponed	779

LEGISLATIVE BILL 909 By Goll

Jan. 19	Read first time	346
Jan. 20	Referred to Committee on Urban Affairs	385
Jan. 26	Notice of hearing (2-17)	428
Feb. 10	Goll priority bill	625
Feb. 24	Placed on General File	832
Mar. 16	Committee amendments adopted. Advanced for Review	1189
Mar. 19	Placed on Select File	1278
Apr. 6	E and R amendments adopted. Warner amendment adopted. Advanced for Engrossment	1747
Apr. 7	Correctly Engrossed. E and R changes	1791
Apr. 14	Final reading	1916
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941

Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 910 By Hoagland

Jan. 19	Read first time	346
Jan. 20	Referred to Committee on Judiciary	385
Jan. 28	Notice of hearing (2-17)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 911 By Hoagland, Wiitala

Jan. 19	Read first time	346
Jan. 20	Referred to Committee on Judiciary	385
Jan. 28	Notice of hearing (2-16)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 912 By Newell

Jan. 19	Read first time	347
Jan. 20	Referred to Committee on Appropriations	385
Feb. 3	Notice of hearing (2-10)	537
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 913 By Labedz

Jan. 19	Read first time	347
Jan. 20	Referred to Committee on Judiciary	385
Jan. 28	Notice of hearing (2-3)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 914 By Newell, V. Johnson

Jan. 19	Read first time	347
Jan. 20	Referred to Committee on Revenue	385
Jan. 27	Notice of hearing (2-1)	441
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 915 By Hoagland

Jan. 19	Read first time	354
Jan. 20	Referred to Committee on Public Works	385
Jan. 26	Notice of hearing (2-18)	419
Mar. 9	Indefinitely postponed	1068

LEGISLATIVE BILL 916 By Warner, Koch

Jan. 19	Read first time	354
Jan. 20	Referred to Committee on Revenue	385
Feb. 8	Notice of hearing (2-23)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 917 By DeCamp

Jan. 19	Read first time	354
Jan. 20	Referred to Committee on Business and Labor	385
Jan. 26	Notice of hearing (2-17)	416
Mar. 1	Indefinitely postponed	911

LEGISLATIVE BILL 918 By Kilgarin, DeCamp

Jan. 19	Read first time	355
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	385
Jan. 26	Notice of hearing (2-16)	417
Jan. 29	Notice of hearing (2-22). Reset	466
Feb. 22	Marvel priority bill	806
Feb. 24	Indefinitely postponed	844

LEGISLATIVE BILL 919 By Landis, V. Johnson

Jan. 19	Read first time	355
Jan. 20	Referred to Committee on Judiciary	385
Jan. 28	Notice of hearing (2-3)	447
Feb. 16	Placed on General File	707
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 919A By Landis, V. Johnson

Feb. 24	Read first time. Placed on General File	833
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 920 By Marsh, Wiitala, Warner, Fowler, Kilgarin, Nichol

Jan. 19	Read first time	355
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-23)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 921 By Chambers, V. Johnson, Koch, Kilgarin

Jan. 19	Read first time	355
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	386
Jan. 27	Notice of hearing (2-19)	435
Mar. 1	Placed on General File	885
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 922 By Labedz

Jan. 19	Read first time	356
Jan. 20	Referred to Committee on Judiciary	386
Jan. 28	Notice of hearing (2-16)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 923 By Performance Review and Audit Committee

Jan. 19	Read first time	356
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-23)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 924 By Performance Review and Audit Committee

Jan. 19	Read first time	356
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-16)	466
Feb. 18	Chronister priority bill	753
Mar. 8	Chronister motion to place on General File laid over	1037
Mar. 9	Chronister pending motion prevailed	1060
Mar. 17	Chronister amendment printed	1224
Apr. 5	V. Johnson amendment printed	1606
Apr. 13	Chronister motion to suspend rules lost	1896
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 925 By Performance Review and Audit Committee

Jan. 19	Read first time	356
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-22)	466

Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 926 By Performance Review and Audit Committee

Jan. 19	Read first time	357
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-23)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 927 By Performance Review and Audit Committee

Jan. 19	Read first time	357
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 29	Notice of hearing (2-22)	466
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 928 By Appropriations Committee

Jan. 19	Read first time	358
Jan. 20	Referred to Committee on Appropriations	386
Jan. 28	Notice of hearing (2-3)	450
Feb. 2	Room change	509
Feb. 19	Appropriations Committee priority bill	788
Mar. 29	Placed on General File	1441
Mar. 30	Committee amendments adopted. Advanced for Review	1483
Mar. 30	Warner amendment printed	1500
Apr. 1	Warner amendment printed	1553
Apr. 1	Placed on Select File	1564
Apr. 1	Warner amendment printed	1574
Apr. 6	Warner amendment printed	1731
Apr. 6	Warner amendment printed	1734
Apr. 6	Vickers amendment printed	1754
Apr. 7	E and R amendments adopted. Warner pending amendments pp. 1500 and 1574 withdrawn. Warner pending amendment p. 1553 adopted. V. Johnson amendment adopted. Beutler amendments lost. Warner pending amendment p. 1731 adopted as amended by Beutler amendments. Warner pending amendment p. 1734 adopted. Vickers pending amendment p. 1754 adopted.	

	Higgins amendment lost. Advanced for Engrossment	1771
Apr. 13	Correctly Engrossed	1887
Apr. 13	E and R changes	1888
Apr. 16	Final Reading	2007
Apr. 16	Final Reading	2008
Apr. 16	Correctly Enrolled	2015
Apr. 16	Landis motion to reconsider prevailed. Final Reading	2016
Apr. 16	Correctly Enrolled. President signed	2019
Apr. 16	Presented to Governor	2023
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 929 By Appropriations Committee

Jan. 19	Read first time	359
Jan. 20	Referred to Committee on Education	386
Jan. 28	Notice of hearing (2-16)	463
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 930 By Appropriations Committee

Jan. 19	Read first time	359
Jan. 20	Referred to Committee on Revenue	386
Feb. 2	Notice of hearing (2-8)	513
Feb. 18	Indefinitely postponed	756

LEGISLATIVE BILL 931 By Performance Review and Audit Committee

Jan. 19	Read first time	359
Jan. 20	Referred to Committee on Appropriations	386
Jan. 28	Notice of hearing (2-2)	450
Feb. 3	Placed on General File	536
Mar. 5	Advanced for Review	1021
Mar. 9	Placed on Select File	1058
Mar. 11	E and R amendment adopted. Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1299
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 932 By Appropriations Committee

Jan. 19	Read first time	359
Jan. 20	Referred to Committee on Public Health and Welfare	386
Jan. 26	Notice of hearing (2-2)	417
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 933 By Appropriations Committee

Jan. 19	Read first time	359
Jan. 20	Referred to Committee on Appropriations	386
Feb. 18	Notice of hearing (3-1)	755
Feb. 19	Appropriations Committee priority bill	788
Mar. 1	Room change	911
Mar. 18	Placed on General File	1272
Mar. 22	Committee amendment adopted as amended by Koch, Wiitala, and Goll-Hefner-Nichol amendments. Advanced for Review	1351
Mar. 23	Placed on Select File	1377
Mar. 29	E and R amendment adopted. Advanced for Engrossment	1456
Mar. 30	Correctly Engrossed	1488
Apr. 6	Returned to Select File for Koch amendment	1677
Apr. 6	Koch pending amendment p. 1677 adopted. Advanced for Re-Engrossment	1678
Apr. 6	Koch motion to return to Select File pending. Amendment ruled not germane. Koch motion to suspend rules and consider Koch amendment prevailed. Koch pending motion to return to Select File prevailed	1679
Apr. 6	Koch pending amendment p. 1679 adopted. Advanced for Re-Engrossment. Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment	1680
Apr. 6	Returned to Select File for Koch amendment. Koch amendment adopted. Advanced for Re-Engrossment. Kremer motion to return to Select File withdrawn. Kremer motion to suspend rules lost	1691
Apr. 6	Warner amendment printed	1727
Apr. 7	Correctly Re-Engrossed	1784

Apr. 7	E and R changes	1785
Apr. 8	Attorney General's Opinion	1816
Apr. 13	Returned to Select File for Warner pending amendment. Warner pending amendment p. 1727 adopted. Advanced for Re-Engrossment	1894
Apr. 13	Returned to Select File for Warner amendment. Warner amendment adopted. Advanced for Re-Engrossment	1895
Apr. 13	Correctly Re-Engrossed. E and R change	1903
Apr. 16	Carsten motion to return to Select File withdrawn. Final Reading	2009
Apr. 16	President signed	2015
Apr. 16	Presented to Governor	2017
Apr. 26	Approved by Governor (4-20)	2029

LEGISLATIVE BILL 934 By Performance Review and Audit Committee

Jan. 19	Read first time	360
Jan. 20	Referred to Committee on Appropriations	386
Jan. 28	Notice of hearing (2-5)	450
Feb. 2	Room change	509
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 935 By Appropriations Committee

Jan. 19	Read first time	361
Jan. 20	Referred to Committee on Appropriations	386
Jan. 28	Notice of hearing (2-5)	450
Feb. 2	Room change	509
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 936 By Fenger, R. Peterson, Apking, Remmers, DeCamp, Von Minden, Cope, Duda, L. Johnson, Beyer, H. Peterson, Carsten, Nichol

Jan. 19	Read first time	361
Jan. 20	Referred to Committee on Nebraska Retirement Systems	386
Jan. 26	Notice of hearing (2-9)	428
Feb. 19	Apking priority bill	788
Feb. 25	DeCamp-Apking amendment printed	856
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 937 By Burrows

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Business and Labor	386
Jan. 26	Notice of hearing (2-10)	416
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 938 By Koch

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Education	386
Jan. 25	Notice of hearing (2-2)	411
Feb. 25	Placed on General File	874
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 939 By Labedz

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Urban Affairs	386
Jan. 26	Notice of hearing (2-17)	428
Feb. 19	Indefinitely postponed	779

LEGISLATIVE BILL 940 By Hoagland, Marsh

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Revenue	386
Jan. 27	Notice of hearing (2-2)	441
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 941 By Clark

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	386
Jan. 26	Notice of hearing (2-16)	417
Feb. 28	Placed on General File	734
Feb. 19	Carsten priority bill	789
Mar. 5	Advanced for Review	1020
Mar. 9	Placed on Select File	1058
Mar. 11	Advanced for Engrossment	1132
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1300
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 942 By Appropriations Committee

Jan. 19	Read first time	362
Jan. 20	Referred to Committee on Appropriations	386
Feb. 18	Notice of hearing (3-3)	755
Feb. 22	Marvel priority bill	806
Mar. 1	Room change	911
Mar. 18	Placed on General File	1272
Mar. 22	Labedz amendment printed	1355
Mar. 22	Committee amendment (1) adopted. Chronister amendment to Committee amendment (2) adopted. Committee amendment (2) as amended lost. Committee amendment (3) adopted. Committee amendment (4) withdrawn. Committee amendment (5) adopted as amended by Koch. Beutler amendment to Committee amendment (6) pending	1358
Mar. 23	Correction	1364
Mar. 23	Beutler pending amendment p. 1362 to Committee amendment (6) lost. Committee amendment (6) adopted as amended by Vickers	1378
Mar. 23	Vickers amendment lost. Schmit amendment lost. Sieck amendment adopted. Vickers amendment lost. Labedz pending amendment p. 1355 lost. Advanced for Review	1379
Mar. 29	Placed on Select File	1412
Mar. 30	Vickers amendment printed	1473
Mar. 30	Kahle amendment printed	1497
Mar. 30	Fenger amendment to Committee amendment printed	1506
Mar. 31	E and R amendments adopted. Schmit amendment adopted. Vickers pending amendment p. 1473 adopted. Kahle pending amendment p. 1497 lost. Landis amendment to Fenger pending amendment p. 1506 lost. Fenger pending amendment p. 1506 adopted. Labedz amendment adopted. Cullan amendment adopted. Wesely amendment to Cullan amendment lost	1536
Mar. 31	Appropriations Committee amendment (1) adopted. Appropriations Committee	

	amendment (2) lost. Wagner amendment adopted. Higgins-Schmit amendment adopted as amended by Newell. Advanced for Engrossment	1547
Apr. 1	Returned to Select File for Cullan amendment	1564
Apr. 1	Cullan pending amendment adopted. Advanced for Engrossment	1565
Apr. 5	Correctly Engrossed. E and R changes	1641
Apr. 8	Final Reading	1818
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1840
Apr. 13	Approved by Governor (4-12)	1862

LEGISLATIVE BILL 943 By Burrows

Jan. 19	Read first time	363
Jan. 20	Referred to Committee on Revenue	386
Feb. 2	Notice of hearing (2-9)	513
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 944 By Fowler

Jan. 19	Read first time	363
Jan. 20	Referred to Committee on Business and Labor	386
Jan. 26	Notice of hearing (2-17)	416
Mar. 1	Indefinitely postponed	911

LEGISLATIVE BILL 945 By Kremer, Schmit

Jan. 19	Read first time	363
Jan. 20	Referred to Committee on Public Works	386
Jan. 26	Notice of hearing (2-24)	419
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 946 By Cullan, Koch

Jan. 19	Read first time	364
Jan. 20	Referred to Committee on Education	386
Jan. 28	Notice of hearing (2-16)	463
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 947 By Pirsch, Hoagland

Jan. 19	Read first time	364
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	386

Jan. 25	Notice of hearing (2-5)	403
Feb. 18	Placed on General File	754
Feb. 19	Constitutional Revision and Recreation priority bill	788
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 948 By Pirsch, Hoagland

Jan. 19	Read first time	364
Jan. 20	Referred to Committee on Judiciary	386
Jan. 26	Attorney General's Opinion	422
Jan. 28	Notice of hearing (2-22)	447
Feb. 19	Pirsch priority bill	788
Mar. 1	Placed on General File	910
Mar. 15	Pirsch-Hoagland amendment printed	1165
Mar. 29	Chambers amendment (1) printed	1427
Mar. 29	Chambers amendment (2) printed	1430
Mar. 29	Chambers amendment (3) printed	1434
Mar. 29	Chambers amendment (4) printed	1438
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 949 By L. Johnson

Jan. 19	Read first time	364
Jan. 20	Referred to Committee on Business and Labor	386
Jan. 26	Notice of hearing (2-24)	416
Mar. 8	Indefinitely postponed	1038

LEGISLATIVE BILL 950 By Hoagland

Jan. 19	Read first time	365
Jan. 20	Referred to Committee on Judiciary	386
Jan. 28	Notice of hearing (2-22)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 951 By Hoagland

Jan. 19	Read first time	365
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	386
Jan. 26	Notice of hearing (2-9)	417
Feb. 10	Placed on General File	622
Mar. 5	Advanced for Review	1023
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177

Mar. 19	Kilgarin motion to return to Select File withdrawn	1300
Mar. 19	Final Reading	1301
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 952 By Newell

Jan. 19	Read first time	365
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	386
Jan. 26	Notice of hearing (2-9)	417
Feb. 10	Placed on General File	622
Mar. 5	Advanced for Review	1023
Mar. 9	Placed on Select File	1059
Mar. 19	Advanced for Engrossment	1320
Mar. 23	Correctly Engrossed	1369
Mar. 31	Final Reading	1521
Mar. 31	Beyer-Sieck-Cullan motion to reconsider laid over	1532
Apr. 1	Beyer et al pending motion lost	1562
Apr. 1	Newell motion to suspend rules laid over	1570
Apr. 16	Newell pending motion lost	2012

LEGISLATIVE BILL 953 By DeCamp, Schmit, Remmers, Sieck, Kahle, Wagner, Lamb, Nichol

Jan. 19	Read first time	365
Jan. 20	Referred to Committee on Agriculture and Environment	386
Jan. 27	Notice of hearing (2-18)	437
Feb. 19	Agriculture and Environment Committee priority bill	789
Feb. 25	Placed on General File	876
Mar. 17	Vickers amendment printed	1225
Mar. 29	Special Order	1453
Mar. 29	Schmit amendment printed	1458
Mar. 31	Committee amendment adopted as amended by Schmit. Vickers pending amendment p. 1225 lost. Schmit pending amendment p. 1458 withdrawn. Burrows amendment lost	1529
Mar. 31	Advanced for Review	1534
Apr. 1	Hefner-Schmit amendment printed	1582

Apr. 1	Placed on Select File	1585
Apr. 16	Attorney General's Opinion	1957
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 953A By Schmit

Mar. 29	Read first time. Placed on General File	1458
Apr. 5	Advanced for Review	1613
Apr. 5	Placed on Select File	1634
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 954 By Higgins, Labedz, Haberman, Wagner, Fenger, DeCamp, Lamb, Sieck, R. Peterson, Cullan, Schmit, Kahle, Kremer, Dworak, Hefner, Beyer

Jan. 19	Read first time	365
Jan. 20	Referred to Committee on Revenue	386
Feb. 8	Notice of hearing (2-23)	584
Feb. 9	Sieck name withdrawn	608
Feb. 10	Attorney General's Opinion	625
Feb. 19	Lamb priority bill	788
Mar. 3	Indefinitely postponed	955

LEGISLATIVE BILL 955 By Wagner

Jan. 19	Read first time	366
Jan. 20	Referred to Committee on Public Works	386
Jan. 26	Notice of hearing (2-19)	419
Feb. 19	Wagner priority bill	789
Mar. 1	Indefinitely postponed	886

LEGISLATIVE BILL 956 By Hoagland

Jan. 19	Read first time	366
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	386
Jan. 27	Notice of hearing (2-25)	435
Feb. 5	Notice of hearing (2-19). Reset	575
Feb. 22	Marvel priority bill	806
Mar. 8	Placed on General File	1046
Apr. 7	Hoagland amendment printed	1768
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 957 By Hoagland

Jan. 19	Read first time	366
Jan. 20	Referred to Committee on Appropriations	386
Feb. 18	Notice of hearing (3-2)	755
Mar. 1	Room change	911
Mar. 17	Indefinitely postponed	1244

LEGISLATIVE BILL 958 By Hoagland

Jan. 19	Read first time	366
Jan. 20	Referred to Committee on Public Works	386
Jan. 26	Notice of hearing (2-19)	419
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 959 By Goodrich

Jan. 19	Read first time	367
Jan. 20	Referred to Committee on Business and Labor	386
Jan. 26	Notice of hearing (2-3)	416
Feb. 22	Indefinitely postponed	805

LEGISLATIVE BILL 960 By Goodrich

Jan. 19	Read first time	367
Jan. 20	Referred to Committee on Revenue	386
Feb. 2	Notice of hearing (2-9)	513
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 961 By Goodrich

Jan. 19	Read first time	367
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	386
Jan. 26	Notice of hearing (2-8)	417
Feb. 10	Placed on General File	622
Mar. 5	Advanced for Review	1023
Mar. 9	Placed on Select File	1059
Mar. 11	Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1301
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 962 By Schmit, Hefner, Von Minden, Kahle

Jan. 19	Read first time	367
Jan. 20	Referred to Committee on Agriculture and Environment	386
Jan. 27	Notice of hearing (2-19)	437
Feb. 25	Placed on General File	854
Mar. 5	Advanced for Review	1027
Mar. 9	Placed on Select File	1059
Mar. 11	E and R amendment adopted. Advanced for Engrossment	1133
Mar. 15	Correctly Engrossed	1177
Mar. 19	Final Reading	1302
Mar. 19	President signed	1305
Mar. 19	Presented to Governor	1309
Mar. 22	Dworak explanation of vote	1331
Mar. 29	Approved by Governor (3-24)	1415

LEGISLATIVE BILL 963 By Schmit

Jan. 19	Read first time	367
Jan. 20	Referred to Committee on Revenue	386
Feb. 8	Notice of hearing (2-22)	584
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 964 By Schmit, Kahle, Wagner

Jan. 19	Read first time	368
Jan. 20	Referred to Committee on Revenue	386
Feb. 8	Notice of hearing (2-24)	584
Feb. 19	Schmit priority bill	789
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 965 By V. Johnson

Jan. 19	Read first time	368
Jan. 20	Referred to Committee on Judiciary	387
Jan. 28	Notice of hearing (2-22)	447
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 966 By Appropriations Committee

Jan. 19	Read first time	368
Jan. 20	Referred to Committee on Appropriations	387
Jan. 28	Notice of hearing (2-3)	450
Feb. 2	Room change	509

Feb. 22	Marvel priority bill	806
Mar. 18	Placed on General File	1274
Mar. 23	Committee amendment adopted as amended by Warner and Landis amendments. Advanced for Review	1382
Mar. 29	Placed on Select File	1412
Mar. 29	Cullan amendment printed	1453
Mar. 30	Schmit amendment printed	1497
Mar. 30	Warner amendment printed	1499
Apr. 1	E and R amendments adopted. Cullan pending amendment p. 1453 adopted. Labedz name added to Schmit pending amendment p. 1497. Schmit-Labedz pending amendment p. 1497 lost. Warner pending amendment p. 1499 adopted. Warner amendment adopted. Advanced for Engrossment	1565
Apr. 6	Correctly Engrossed. E and R changes	1680
Apr. 13	Final Reading	1853
Apr. 13	Final Reading	1854
Apr. 14	Correctly Enrolled	1933
Apr. 14	President signed	1938
Apr. 14	Presented to Governor	1941
Apr. 16	Returned by Governor without signature	1979

LEGISLATIVE BILL 967 By Business and Labor Committee

Feb. 17	Read first time	718
Feb. 18	Referred to Committee on Business and Labor	744
Feb. 24	Notice of hearing (3-10)	845
Mar. 15	Placed on General File	1148
Mar. 24	Committee amendments adopted. Advanced for Review	1405
Mar. 29	Placed on Select File	1413
Apr. 5	Advanced for Engrossment	1615
Apr. 6	Correctly Engrossed	1692
Apr. 13	Final Reading	1854
Apr. 13	President signed	1855
Apr. 13	Presented to Governor	1860
Apr. 13	Higgins explanation of vote	1861
Apr. 16	Approved by Governor (4-16)	1977

LEGISLATIVE BILL 968 By Business and Labor Committee

Feb. 17	Read first time	718
Feb. 18	Referred to Committee on Business and Labor	744
Feb. 24	Notice of hearing (3-10)	845
Mar. 15	Indefinitely postponed	1149

LEGISLATIVE BILL 969 By Fowler, Hoagland

Feb. 23	Read first time	815
Feb. 24	Referred to Committee on Public Works	828
Feb. 25	Notice of hearing (3-4)	879
Apr. 16	Indefinitely postponed	2023

LEGISLATIVE BILL 970 By Marvel at request of Governor

Mar. 10	Read first time	1095
Mar. 10	Referred to Committee on Appropriations. Notice of hearing (3-17)	1107
Mar. 11	Notice of hearing (3-17)	1143
Mar. 15	Warner amendment printed	1178
Mar. 18	Placed on General File	1271
Mar. 23	Warner pending amendment p. 1178 withdrawn. Advanced for Review	1388
Mar. 29	Placed on Select File	1413
Mar. 31	Attorney General's Opinion	1523
Mar. 31	Attorney General's Opinion	1526
Apr. 1	Advanced for Engrossment	1566
Apr. 5	Correctly Engrossed	1610
Apr. 8	Final Reading	1819
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1831
Apr. 13	Approved by Governor (4-12)	1847

LEGISLATIVE BILL 970A By Warner

Mar. 19	Read first time. Placed on General File	1329
Mar. 23	Advanced for Review	1388
Mar. 29	Placed on Select File	1413
Apr. 1	E and R amendments adopted. Advanced for Engrossment	1567
Apr. 5	Correctly Engrossed	1610
Apr. 8	Final Reading	1820
Apr. 8	President signed	1822
Apr. 8	Presented to Governor	1831
Apr. 13	Approved by Governor (4-12)	1847

LEGISLATIVE BILL 971 By Marvel at request of Governor

Mar. 11	Read first time	1129
Mar. 11	Referred to Committee on Appropriations	1142
Mar. 11	Notice of hearing (3-18)	1143
Mar. 15	Warner amendment printed	1173
Mar. 18	Indefinitely postponed	1274

LEGISLATIVE BILLS

By Original Introducers

SHARI APKING

657*	Eliminate art work appropriation for construction or remodeling of public buildings.
660*	Provide for revocation of employment driving permits.
936*	Provide for a retirement system for first class city police officers.

BILL BARRETT

467	Change provisions relating to collection of certain taxes.
498	Allow a tax for transportation of children to school related activities.
668*	Nebraska Right to Farm Act.
679*	Provide visitation rights for grandparents.

CHRIS BEUTLER

94	Change provisions relating to ground water control areas.
251	Change provisions for computing state aid to technical community colleges.
259*	Change procedures for contracting with teachers or administrators.
304	Require public notice of board of equalization meetings.
305	Raise age limit for compulsory education.
386	Change number and composition of judicial districts.
513*	Construction Lien Act.
514*	Change provisions relating to mechanic's liens.
576*	Remove Lt. Governor as presiding officer of the Legislature, C.A.
577*	Provide for revenue bond issuance for water management projects, C.A.
590*	Allow municipal court judge to perform duties of a county judge.
628*	Nebraska Equal Opportunity in Education Act.
676*	Provide for transfer of juvenile court positions to field probation service.
676A	Appropriation Bill.
683	Increase food sales tax credit.
709*	Provide for early transfer of students from high school to institutions of higher learning.

709A	Appropriation Bill.
726*	Change provisions relating to water control areas.
770*	Require State Treasurer to let bids for bank services.
783	Proceedings for judicial review relating to handicapped children.
825	Allow library boards to collect court costs and attorney fees.
862	Authorize Nebraska State Patrol to use unmarked patrol cars.
882*	Change provisions relating to the office of Public Auditor.

EMIL E. BEYER, JR.

442*	Change organization of the Department of Public Institutions.
480*	Eliminate the inheritance tax.
546*	Provide power to Nebraska State Patrol to restrict traffic.
655	Provide notice to shippers when carrier does not have certification.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
660*	Provide for revocation of employment driving permits.
676*	Provide for the transfer of juvenile court positions to the Field Probation Service.
790*	Establish a statewide open burning ban.
791	Prohibit liquor license where motor vehicle fuels are sold.
798*	Provide for election of judges, C.A.
827*	Remove construction restriction on Omaha technical community colleges.
839	Designation of official registrar for registering Nebraska bred horses.
904	Limit powers of Omaha City Council to extend city boundaries.
936*	Provide a retirement system for police officers in cities of the first class.
954*	Provide for state supported technical community colleges.

GEORGE "BILL" BURROWS

135	Impose an income tax for support of public schools.
270	Change provisions relating to child care facilities.
615	Change disability compensation for certain state employees.
695	Provide for a 5% tax on interest and dividends from intangible property.
876	Changes in computation of franchise taxes for certain corporations.

905	Change age of eligibility for fishing permits.
906	Limit collection of excess professional fees for medicare recipients.
907	Require nursing home definition in insurance policies.
908	Provide public transportation to nonurbanized areas of the state.
937	Provide certain facilities for railroad employees.
943	Change oil and gas severance tax rates.

CALVIN F. CARSTEN

454	Change adjustment increments for sales and income tax rates.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
803	Members of the Public Service Commission to be appointed by the Governor, C.A.
903A	Appropriation Bill.
936*	Provide a retirement system for police officers in cities of the first class.

ERNEST CHAMBERS

202*	Eliminate death penalty.
281	Change provisions relating to county salaries.
364	Prohibit construction of new state interstate highways or freeways.
413	Change provisions relating to speed detection devices.
414	Nebraska Law Enforcement Procedures Act.
442*	Change organization of Department of Public Institutions.
493	Private Security Act.
509	Change provisions for certification of apprentice barbers.
662	Change provisions for fees allowed to sheriffs.
663	Provide sales tax exemption for caskets and burial vaults.
827*	Remove construction restriction on technical community colleges in Omaha.
921*	Provide for district election of Douglas County Commissioners.

HARRY B. CHRONISTER

215	Change procedures for termination of parental rights in divorce cases.
255*	Increase Veterans' Aid Fund.

269*	Require development of a comprehensive mental health care plan.
301	Change sheriff's fees for serving of papers.
442*	Change organization of Department of Public Institutions.
524*	Change provisions relating to state aid.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
729	Increase authorized probationary period for deputy county sheriffs.
823	Authorize city clerks to delegate certain duties.
882*	Change provisions relating to the office of Public Auditor.

ROBERT L. CLARK

571	Allow foreign corporations and aliens to acquire oil and gas leases.
573	Limit rate regulation of small telephone companies by Public Service Commission.
633	Change provisions relating to rates and services of common carriers.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
702	Change provisions relating to interest and loan charges.
728	Repeal provisions relating to licensed and bonded warehouses.
744	Place aircraft owned by the state under control of Department of Aeronautics.
772*	Nebraska Mining and Reclamation Act.
941	State legislative intent relating to loans.

RON COPE

587*	Procedures to include certain territory within a Class III district.
604*	Change certain duties of the task force for building renewal.
604A*	Appropriation Bill.
660*	Provide for revocation of employment driving permits.
680	Prohibit use of artificial light for hunting.
936*	Provide a retirement system for police officers in cities of the first class.

SAMUEL K. CULLAN

8	Allow the sale or lease of certain water rights.
378A	Appropriation Bill.
416	Increase membership and membership compensation of Legislature, C.A.
417	Permit operation and transportation of extra wide vehicles and equipment.
418	Approval required for the recording of plats and subdivisions.
473	Industrial Siting Act.
507	Terminate the Nebraska Coordinating Commission for Postsecondary Education.
522*	Transfer administration of welfare programs from counties to state.
522A*	Appropriation Bill.
550	Nebraska Mining and Reclamation Act.
602	Require Department of Welfare to provide medical services.
602A	Appropriation Bill.
603	Provide a salary increase for supreme court judges.
603A	Appropriation Bill.
804	Change date of accrual of interest on decrees and judgments.
834*	Remove a termination date on aid to dependent children payments.
874*	Change definition of farm trucks.
883	Change provisions relating to medical assistance payments.
884	Senior nutrition programs to receive first priority of federal block grants.
946*	Provide for issuance and guarantee of student loans.
954*	Provide for state supported technical community colleges.

JOHN DECAMP

126	Provisions for the crime of theft by shoplifting.
180*	Nebraska Forensic Medical Examiner Act.
255*	Increase Veterans' Aid Fund.
259*	Change procedures for contracting with teachers or administrators.
269*	Require development of a comprehensive mental health care plan.
274A	Appropriation Bill.
404*	Nebraska Community Aging Services Act.
408	Changes relating to issuance of special permits for oversize vehicles.

502*	Change provisions of the Nebraska Health Care Certificate of Need Act.
587*	Procedures to include certain territory within a Class III school district.
607*	Permit waiver of certain requirements for nonpublic schools.
618	Change provisions relating to driving under the influence of alcohol.
619	Nebraska Foreign Export Market and Port Development Act.
620	Provide requirements for abortion procedures.
621	Provide for statewide branch banking.
622	Issue bonds to be used for highway construction.
623	Eliminate maximum rates of interest.
624	Adopt the Uniform Information Practices Code.
625	Change period for stay of mortgage foreclosures.
626	Remove a restriction of location of bank auxiliary teller offices.
627*	Change a definition in the Recreation Liability Act.
628*	Nebraska Equal Opportunity in Education Act.
629	Provide for an increase in the rate for legal notices.
629A	Appropriation Bill.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
658	Provide interest for certain escrow accounts.
665*	Designate portion of income tax return for the U. S. Olympic Committee.
666*	Uniform Condominium Act.
679*	Provide visitation rights for grandparents.
689*	Repeal Political Accountability and Disclosure Act.
691	Uniform Determination of Death Act.
708*	Provide that geothermal deposits be treated as mineral interests.
714*	Foster Care Review Act.
714A	Appropriation Bill.
731*	Allow certain ownership of cable utility systems.
738*	Provide statements of intent and purpose relating to energy.
745	Provide employment and employment training for confined persons.
768*	Nebraska Nursing Home Act.
768A*	Appropriation Bill.
799*	Change provisions relating to energy conservation programs.
799A	Appropriation Bill.
824*	Allow use of studded snow tires.

898	Extend payments from the local government revenue fund for one year.
917	Permit two or more political subdivisions to be classified as self insurers.
918*	Prohibit real estate transactions by banks and trust companies.
936*	Provide a retirement system for first class city police officers.
953*	Nebraska Beef Industry Development Act.
954*	Provide for state supported technical community colleges.

WALTER J. DUDA

657*	Eliminate art work appropriation for construction or remodeling of public buildings.
790*	Establish a statewide open burning ban.
827*	Remove construction restriction on Omaha technical community colleges.
936*	Provide a retirement system for police officers in cities of the first class.

DONALD N. DWORAK

202*	Eliminate the death penalty.
426	Establish standards of valuation interest rates relating to insurance.
750	Change provisions relating to dams and reservoirs.
954*	Provide for state supported technical community colleges.

GEORGE FENGER

616	Provide an additional classification of a retail liquor license.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
671	Restrict tax rate on property to a percentage of its value, C.A.
714*	Foster Care Review Act.
793*	Provide a purchase option for motor vehicle fuel purchasers.
827*	Remove construction restriction on Omaha technical community colleges.
868	Change provisions relating to sanitary and improvement districts.
881*	Change payments to cities and villages by metropolitan utilities districts.

936*	Provide a retirement system for police officers in cities of the first class.
954*	Provide for state supported technical community colleges.

STEVE FOWLER

115	Increase workmen's compensation limits.
115A	Appropriation Bill.
169*	Taxation of aircraft motor fuels.
180*	Nebraska Forensic Medical Examiner Act.
230*	Prescribe certain standards for cabooses.
231	Provide for reduction in jail terms for good behavior.
255*	Increase Veterans' Aid Fund.
259*	Change procedures for contracting with teachers or administrators.
300	Increase corporate income tax rate.
395	Provide for supplemental retirement benefits.
404*	Nebraska Community Aging Services Act.
404A	Appropriation Bill.
429	Adopt certain codes for public buildings.
455	Repeal the Nebraska Teachers' Professional Negotiations Act.
595	Repeal a restriction on insurance coverage for abortion.
604*	Change certain duties of the task force for building renewal.
604A*	Appropriation Bill.
614	Provide an income tax exemption for federal civil service annuities.
628*	Nebraska Equal Opportunity in Education Act.
688*	Require Lincoln Board of Education to elect members by district.
698	Legislature to set appropriation for public transportation program.
699	Provide for transfer of certain cash funds to the General Fund.
712	Increase cigarette tax.
738*	Provide statements of intent and purpose relating to energy.
799*	Change provisions relating to energy conservation programs.
810	Allow part time employment for persons receiving retirement benefits.
811	Allow an annual increase in retirement benefits for certain employees.
822	Create Property Tax Relief Fund.
853	Provide for registration of dental assistants.

854	Provide news and information system for the hearing impaired.
854A	Appropriation Bill.
855	Provide certain restrictions relating to real estate transactions.
856	Increase penalty for violation of mechanic's lien laws.
857	Change provision relating to real estate assessments and filing protests.
920*	Provide dental hygienists with additional duties.
944	Classify certain acts as unfair labor practices.
969*	Change rules and regulations relating to highway bids.

JAMES E. GOLL

370	Change provisions relating to award of associate degrees.
631*	Change taxing provisions relating to horse racing.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
827*	Remove construction restriction on Omaha technical community colleges.
909	Provide for sale of real and personal property by second class cities and villages.

GLENN A. GOODRICH

278*	Authorize a refund of certain sales taxes.
399	Change certain provisions of the Nebraska Judges Fund.
488	Provide a salary increase to constitutional officers.
488A	Appropriation Bill.
490	Transfer control of state electrical division.
528	Provide a lien for furnishing of certain livestock products and services.
646	Provide same advantages to state and federal savings and loan associations.
672	Change finance provisions relating to redevelopment of substandard property, C.A.
739	Compensation approval requirement for public power districts.
751	Enlarge the definition of loan broker.
865	Award attorney's fees in real estate foreclosure actions.
866	Require date account was opened to be printed on drafts and checks.
867	Authorize award of attorney's fees in foreclosure proceedings.

959	Change provisions for unemployment benefits for musicians.
960	Provide waiver of rights in prescribed investments for political subdivisions.
961	Require banks and building and loan associations to cash state warrants.

REX HABERMAN

25	Repeal a special excise tax on motor vehicle fuels.
226	Nebraska Water Well Drillers' Licensing Act.
226A	Appropriation Bill.
349	Change provisions relating to building and loan associations.
567	Change penalty for persons charged with firearm use to commit a felony.
568*	Change penalties for driving under the influence of alcohol or drugs.
569	Provide additional powers and duties to the Jail Standards Board.
570	Increase appraised value of school land for application of tax levy.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
687*	Change certain provisions relating to financial interest statements.
733*	Provide a penalty for persons DWI involved in an accident.
799*	Change provisions relating to energy conservation programs.
824*	Allow use of studded tires.
891	Include all schools in Nebraska Teacher's Professional Negotiations Act.
892	Change meeting provisions of Class III school boards.
954*	Provide for state supported technical community colleges.

ELROY M. HEFNER

169*	Taxation of aircraft motor fuels.
233*	Authorize bonds for highway construction and repair.
255*	Increase Veterans' Aid Fund.
255A*	Appropriation Bill.
258A	Appropriation Bill.
269*	Require development of a comprehensive mental health care plan.
278*	Authorize a refund of certain sales taxes.

610*	Prohibit certain public employees from joining unions.
631*	Change taxing provisions relating to horse racing.
637*	Provide negative balance rate schedules for certain employers.
647	Change provisions relating to initiative and referendum petitions.
678	Provide exception for motor vehicle fuels from delivery tickets.
679*	Provide visitation rights for grandparents.
684*	Remove authorization for aid to dependent children payments for unborn children.
690	Change provisions relating to employer contribution rates.
793*	Provide a purchase option for motor vehicle fuel purchases.
842	Require Legislature to appropriate funds for new political subdivision programs, C.A.
864*	Provide that employees may choose to support labor organizations.
886	Change powers and duties of the Commission of Industrial Relations.
954*	Provide for state supported technical community colleges.
962*	Change provisions relating to agister's liens.

MARGE HIGGINS

314	Exclude certain funeral payments from public assistance resources.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
768*	Nebraska Nursing Home Act.
768A*	Appropriation Bill.
824*	Allow use of studded snow tires.
882*	Change provisions relating to the office of Public Auditor.
954*	Provide for state supported technical community colleges.

PETER HOAGLAND

152	Provide for waters of natural streams.
259*	Change procedures for contracting with teachers or administrators.
340	Change provisions relating to the Political Subdivision Tort Claims Act.
341	Change provisions relating to the State Claims Board.
348	Provide provisions relating to the use of water.

423*	Encourage the development of programs for gifted children.
432	Uniform Comparative Fault Act.
472A	Appropriation Bill.
480*	Eliminate the inheritance tax.
568*	Change penalties for driving under the influence of alcohol or drugs.
733*	Penalty for persons involved in an accident while driving under the influence of alcohol or drugs.
735	Authorize Governor to appoint three members to the Board of Regents, C.A.
736	Provide for appointment of additional members to the Board of Regents.
737	Provide funds for education for gifted children.
827*	Remove construction restriction on Omaha technical community colleges.
845*	Authorize Omaha school district to convey certain school land.
880*	Health Care Facility Reporting Act.
901	Penalty for vandalism of churches and cemeteries.
902	Change mandatory retirement requirement for judges.
910	Change publication and rate of legal notices.
911*	Prohibit manufacture of imitation controlled substances.
915	Give preference to domestic and municipal domestic users of ground water.
940*	Provide a collection procedure for certain claims owed to the state.
947*	Use of proceeds from certain forfeited property, C.A.
948*	Change provisions and provide for allocation of forfeited property.
950	Provide when motions for a new trial are not necessary.
951	Provide fiduciaries with certain powers relating to common trust funds.
956	Provide duties for public bodies conducting public meetings.
957	Conduct a study of space requirements at University of Nebraska at Omaha.
958	Change provisions relating to ground water control areas.
969*	Change rules and regulations relating to highway bids.

LOWELL C. JOHNSON

239*	Provide for public access to isolated lands.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.

679*	Provide visitation rights for grandparents.
824*	Allow use of studded tires.
826	Allow real estate commission to use building and loan associations for deposits.
826A	Appropriation Bill.
827*	Remove construction restriction on Omaha technical community colleges.
936*	Provide a retirement system for first class city police officers.
949	Change provisions relating to medical exams as a condition of employment.

VARD ROYCE JOHNSON

142	Increase homestead exemption.
212	Provide for a cancer registry with the State Board of Health.
212A	Appropriation Bill.
403	Unfair trade practices relating to the State Real Estate Commission.
428	Change provisions relating to the Nebraska Probate Code.
520	Child Care and Development Services Act.
520A	Appropriation Bill.
521	Change provisions relating to public assistance.
522*	Transfer administration of welfare programs from counties to the state.
522A*	Appropriation Bill.
664	Name the gymnasium at the Nebraska School for the Deaf in Omaha.
730	Provide for the rehabilitation of substandard or blighted property, C.A.
762*	Provide grants to local health departments and increase cigarette tax.
780	Change provisions for court actions against the state.
781	Provide for discovery procedures in misdemeanor cases.
800	Authorize the provision of day care services for state employees.
813	Provide for debtor relief in consumer credit transactions.
827*	Remove construction restriction on Omaha technical community colleges.
843	Authorize award of attorney fees in unlawful employment practices.
844	Define governing bodies of certain hospitals as a public body.

845*	Authorize Omaha school district to convey certain school land.
879	Provide for a salary shift differential for public employees.
879A	Appropriation Bill.
880*	Health Care Facility Reporting Act.
914*	Change shrinkage allowance for motor vehicle fuel dealers.
919*	Create the Nebraska Sentencing Guidelines Commission.
919A*	Appropriation Bill.
921*	Provide for district election of Douglas County Commissioners.
965	Cost for maintaining prisoners at the Department of Corrections adult facility.

MARTIN F. KAHLE

149	Change provisions and procedures relating to soil erosion regulations.
492	Authorize the issuance of certain bonds for bridges.
524*	Change provisions relating to state aid.
533**	Eliminate Board of Ambulance Advisors and Board of Advanced Emergency Medical Care.
611	Provide for minimum maintenance roads.
635	Change provisions relating to funding of mental health regional boards.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
687*	Change certain provisions relating to financial interest statements.
703	Change provisions relating to interest on warrants for county hospitals.
846*	Additional sales tax to provide funds for the Nebraska Resources Development Fund.
899	Require statement of grounds for removal on recall petitions and ballots.
953*	Nebraska Beef Industry Development Act.
954*	Provide for state supported technical community colleges.
962*	Change provisions relating to agister's liens.
964*	Provide aid to governmental subdivisions.

KAREN KILGARIN

240*	Change membership provisions of the State Employees Retirement Act.

259*	Change procedures for contracting with teachers or administrators.
440*	Permit a student to serve on school boards in certain districts.
546*	Provide power to Nebraska State Patrol to restrict traffic.
582	Authorize income tax credit for child and dependent care.
582A	Appropriation Bill.
590*	Allow municipal court judge to perform duties of a county judge.
590A	Appropriation Bill.
627*	Change a definition in the Recreation Liability Act.
628*	Nebraska Equal Opportunity in Education Act.
643*	Increase number of authorized bingo occasions.
645	Authorize additional license plates for certain disabled persons.
665*	Designate portion of income tax returns for the U. S. Olympic Committee.
679*	Provide visitation rights for grandparents.
749*	Changes relating to workmen's compensation.
749A	Appropriation Bill.
782*	Change provisions relating to a Sheriff's Office Merit Commission.
789	Require approval of teacher contract forms by State Department of Education.
799*	Change provisions relating to energy conservation programs.
824*	Allow use of studded snow tires.
827*	Remove construction restriction on Omaha technical community colleges.
880*	Health Care Facility Reporting Act.
881*	Change payments to cities and villages by metropolitan utilities districts.
918*	Prohibit real estate transactions by banks and trust companies.
920*	Provide dental hygienists with additional duties.
921*	Provide for district election of Douglas County Commissioners.

GERALD D. KOCH

259*	Change procedures for contracting with teachers or administrators.
338	Declare legislative intent relating to Nebraska common schools.

372	Provide for the establishment of a parole advisory committee.
372A	Appropriation Bill.
375*	Provide for a ground water management plan.
401*	Provide for the establishment of ground water control areas by election.
440*	Permit a student to serve on school boards in certain districts.
546*	Provide power to the Nebraska State Patrol to restrict traffic.
574	Limit merger, consolidation and annexation powers of metropolitan cities.
576*	Remove Lt. Governor as presiding officer of the Legislature, C.A.
577*	Provide for revenue bond issuance for water management projects, C.A.
578	Waive tuition for postsecondary education courses for citizens over 60.
579	Permit prestige license plates for mobile homes and cabin trailers.
580	Require the state primary election to be held in September, C.A.
581	Provide for computer assisted valuation of real property.
605	Change provisions relating to electrical licenses.
628*	Adopt the Nebraska Equal Opportunity in Education Act.
638	Nebraska Library Services Act.
653A	Appropriation Bill.
661	Motor Vehicle Safety Inspection Act.
679*	Provide visitation rights for grandparents.
785	Establish committee to design motor vehicle license plates.
788*	Change provisions relating to the Department of Correctional Services.
796	Change residency requirements relating to educational institutions.
827*	Remove construction restrictions on Omaha technical community colleges.
833	Prohibit collection of fees by county treasurers for distribution of funds.
878	Change provisions relating to apportionment of business income.
890*	Require school district information on income tax forms.
890A*	Appropriation Bill.
895*	Change high school tuition rate for nonresident pupils.

896	Require technical community colleges to serve handicapped persons.
916*	Provide sales and use tax revenue for aid to political subdivisions.
921*	Provide for district election of Douglas County Commissioners.
938	Permit school districts to establish programs for children under age 5.
946*	Provide for issuance and guarantee of student loans.

MAURICE A. KREMER

375*	Provide for ground water management plan.
400*	Provide for the use of excess generating capacity.
587*	Procedures to include certain territory within a Class III district.
606	Allow Department of Health to audit trust funds.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
669A	Appropriation Bill.
670	Changes relating to issuance and fees of certain well permits.
670A	Appropriation Bill.
694	Provide exceptions to width requirements on certain motor vehicles.
768*	Nebraska Nursing Home Act.
768A*	Appropriation Bill.
874*	Change definition of farm trucks.
945*	Create the Nebraska Water Management Board.
954*	Provide for state supported technical community colleges.

BERNICE R. LABEDZ

75A	Appropriation Bill.
239*	Provide for public access to isolated lands.
259*	Change procedures for contracting with teachers or administrators.
531	Provide for legislative salaries to be set by law, C.A.
607*	Permit waiver of certain requirements for nonpublic schools.
656	Change provisions relating to homestead exemptions.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
665*	Designate portion of income tax return for the U. S. Olympic Committee.
676*	Provide for transfer of juvenile court probation positions to Field Probation Service.

679*	Provide visitation rights for grandparents.
768*	Nebraska Nursing Home Act.
768A*	Appropriation Bill.
808	Change provisions relating to bingo.
824*	Allow use of studded snow tires.
827*	Remove construction restriction on Omaha technical community colleges.
913	Provide a penalty for assault of correctional employees.
922	Prohibit causes of action based on a claim of wrongful life.
939	Change provisions relating to powers of sanitary and improvement districts.
954*	Provide for state supported technical community colleges.

HOWARD LAMB

183	Provide for funding of certain mental retardation agencies.
400*	Provide for the use of excess electrical generating capacity.
401*	Provide for the establishment of ground water control areas by election.
510	Provide for contracts between mental retardation offices and school districts.
511	Exempt well boring equipment from motor vehicle registration.
563	Correct a date and harmonize provisions relating to partnerships.
564	Correlate certain provisions relating to Nebraska Veterans' Homes.
565	Harmonize provisions relating to Natural Resources District.
566	Harmonize provisions relating to the Department of Health.
587*	Procedures to include certain territory within a Class III district.
592	Repeal of certain obsolete statutes.
697	Change provisions relating to protest of charges by noxious weed control.
953*	Nebraska Beef Industry Development Act.
954*	Provide for state supported technical community colleges.

DAVE LANDIS

180*	Nebraska Forensic Medical Examiner Act.
180A	Appropriation Bill.
410	Create the Nebraska Appeal Tribunal.
591	Authorize Lincoln to increase city sales and use tax.
594	Change publication requirements for county board proceedings.

688*	Require Lincoln Board of Education to elect members by district.
700*	Election changes for board of directors of Natural Resources Districts.
706	Permit legislation to abate property taxes on substandard property, C.A.
707	Community Development Assistance Act.
746*	Encourage disclosure of information concerning state government.
806	Provide for bringing new action in civil cases.
807	Provide for procedures for initiative and referendum measures.
812	Prohibit the intimidation of victims and witnesses of crime.
817*	Nebraska Development Finance Fund Act.
863	Change fees for certain tests required by the Department of Health.
863A	Appropriation Bill.
919*	Create the Nebraska Sentencing Guidelines Commission.
919A*	Appropriation Bill.

SHIRLEY MAC MARSH

69	Require motor vehicle passenger restraint system for children.
89	Increase number of judges in the third judicial district.
89A	Appropriation Bill.
139	Authorize prepaid dental service corporations.
139A	Appropriation Bill.
335	Adult Protective Services Act.
609	Change annuity formula for school employees retirement plan.
609A	Appropriation Bill.
673	Increase fee for certified abstracts of motor vehicle operating records.
858	Change provisions relating to cruelty to animals.
859	Adopt an official state fish.
920*	Provide dental hygienists with additional duties.
940*	Provide a collection procedure for certain claims owed to the state.

RICHARD D. MARVEL

162**	Appropriations for expenses of Nebraska state government.
164**	Appropriations for capital construction projects.

404*	Nebraska Community Aging Services Act.
753**	Increase tax on cigarettes.
754**	Provide for shift of appropriations in agencies and deficiency appropriations.
755**	Provide for payment of salaries to members of the Legislature.
756**	Provide for payment of salaries to officers of state government.
757**	Reduce minimum estimated receipts in setting tax rates.
758**	Provide for financing public transportation assistance program.
759**	Defer issuance of new motor vehicle number plates.
760**	Change rates of corporate income and franchise taxes.
761**	Appropriations for expenses of Nebraska state government.
782*	Change provisions relating to a sheriff's office merit commission.
970**	Increase state contribution for employees' health insurance.
971**	Provide for financing the State Patrol from the Highway Trust Fund.

DAVID R. NEWELL

117	Provide tax refund on manfacturing equipment in depressed economic zones.
131	Increase school employee retirement age.
176	Change provisions relating to the employment security law.
211	Change provisions relating to homestead exemptions.
259*	Change procedures for contracting with teachers or administrators.
359	Change district election provisions for sanitary and improvement districts.
412	Restrict uses of land zoned as agricultural land.
431	Authorize samples of alcoholic liquors.
546*	Provide power to Nebraska State Patrol to restrict traffic.
628*	Adopt the Nebraska Equal Opportunity in Education Act.
630	Change provisions relating to the cancellation of tax bills.
634	Authorize revenue bonds for blighted or substandard areas, C.A.
773	Prohibit imposition of a sales or use tax on food, C.A.
799*	Change provisions relating to energy conservation programs.
817*	Nebraska Development Finance Fund Act.
827*	Remove construction restriction on Omaha technical community colleges.

888	Allow retail liquor licensees to sell beer in certain areas.
912	Change sick leave provisions for public employees.
914*	Change shrinkage allowances for motor fuel dealers.
952	Change provisions relating to bond issuance by hospital authorities.

WILLIAM E. NICHOL

242	Provide for payment by the county for certain prisoners.
353	Provide powers and duties of the Department of Public Welfare.
380	Provisions for medical services for confined persons under Department of Public Institutions control.
402	Allow prosecution to appeal the sentence imposed in a criminal case.
442*	Change organization of Department of Public Institutions.
596	Exempt certain political subdivisions from Budget Limit Act of 1979.
597	Change flashing light requirements for military department and police vehicles.
598	Allow technical community colleges to receive certain energy grants.
599	Change conditions of eligibility for receipt of unemployment benefits.
600	Change provisions relating to vehicles carrying livestock.
601	Change membership requirements for County Planning Commissions.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
687*	Change certain provisions relating to financial interest and statements for zoning commissions.
705	Modify rate of interest on condemnation judgments.
708*	Provide that geothermal deposits be treated as mineral interests.
711	Permit State Fire Marshal to delegate authority to political subdivision.
738*	Provide statements of intent and purpose relating to energy.
772*	Nebraska Mining and Reclamation Act.
799*	Change provisions relating to energy conservation programs.
802	Change a provision relating to amending birth and death certificates.
805	Change conditions of liability relating to vehicular pursuits.

824*	Allow use of studded snow tires.
834*	Remove a termination date on aid to dependent children payments.
860	Permit an exception to weight and length requirements for towing vehicle.
861	Agricultural Bargaining Act.
920*	Provide dental hygienists with additional duties.
936*	Provide a retirement system for police officers in cities of the first class.
953*	Provide for state supported technical community colleges.

HOWARD L. PETERSON

278*	Authorize a refund of certain sales tax.
524*	Change provisions relating to state aid.
607*	Permit waiver of certain requirements for nonpublic schools.
608	Provide procedures for flood plain management.
610*	Prohibit certain public employees from joining unions.
657*	Eliminate art work appropriation for construction or remodeling public buildings.
679*	Provide visitation rights for grandparents.
762*	Cigarette tax increase to be placed in Community Health Services Fund.
798*	Provide for election of judges, C.A.
846*	Additional sales tax to provide funds for the Nebraska Resources Development Fund.
864*	Provide that employees may choose to support labor organizations.
936*	Provide a retirement system for police officers in cities of the first class.

RICHARD PETERSON

233*	Authorize bonds for highway construction and repair.
267	Prohibit the introduction of certain information by Dental Review Commission.
269*	Require development of a Comprehensive Mental Health Care Plan.
527*	Create office of Executive Coordinator for Natural Resources.
593*	Change permit requirements for temporary food service establishments.
668*	Adopt Nebraska Right to Farm Act.
936*	Provide a retirement system for police officers in cities of the first class.

954*	Provide for state supported technical community colleges.

CAROL McBRIDE PIRSCH

240*	Change membership provisions of the State Employees Retirement Act.
465	Change sentence for persons convicted for assault while in custody.
513*	Construction Lien Act.
514*	Change provisions relating to mechanic's liens.
612	Prohibit use of insanity plea when under influence of alcohol or drugs.
613	Require owners be responsible for license plate and inspection violations.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
677	Allow jury summons to be mailed by first class mail.
684*	Eliminate aid to dependent children payments for unborn children.
701	Require petitions and filing fee for candidates to Omaha City Council.
814	Require county attorney to inform felony crime victim of his recommendation.
827*	Remove construction restriction on Omaha technical community colleges.
881*	Change payments to cities and villages by metropolitan utilities districts.
947*	Use of proceeds from certain forfeited property, C.A.
948*	Change provisions and provide for allocation of forfeited property.

R. WILEY REMMERS

137	Change requirements relating to motor vehicle insurance policies.
192*	Provide for attorney and expert witness fees in civil procedure.
373	Authorize a local income tax by school districts and municipalities.
593*	Change permit requirements for temporary food service establishments.
632*	Provide an appropriation for the renovation of Morrill Hall.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.

668*	Nebraska Right to Farm Act.
679*	Provide visitation rights for grandparents.
824*	Allow use of studded tires.
837	Allow liquor retailer to exceed credit limitation period.
875*	Change eminent domain powers for second class cities and villages.
890*	Require school district information on income tax forms.
895*	Change high school tuition rate for nonresident pupils.
936*	Provide a retirement system for police officers in cities of the first class.
953*	Nebraska Beef Industry Development Act.

MYRON RUMERY

287	Eliminate mandatory retirement age.
387	Provide for a deferred annuity for certain terminated firefighters.
404*	Nebraska Community Aging Services Act.
424	Elected county officers' retirement system.
575	Allow wreckers or towing vehicles to use studded tires.
587*	Procedures to include certain territory within a Class III district.
604*	Change certain duties of the Task Force for Building Renewal.
604A*	Appropriation Bill.
632*	Provide an appropriation for the renovation of Morrill Hall.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
679*	Provide visitation rights for grandparents.
692	Remove limits on bonds for improvements for cities of the first class.
748*	Change provisions to interest in contracts by county officers.
768*	Nebraska Nursing Home Act.
768A*	Appropriation Bill.
840	Exempt products sold in returnable package or container from litter fee.
841	Change amount of proceeds that can be awarded as lottery prizes.
877	Provide temporary operator's license for persons in foreign countries.

LORAN SCHMIT

36A	Appropriation Bill.

233*	Authorize bonds for highway construction and repair.
358	Provide for investment or deposit of funds of political subdivisions.
375*	Provide for Ground Water Management Plan.
502*	Change provisions of the Nebraska Health Care Certificate of Need Act.
524*	Change provisions relating to state aid.
527*	Create office of Executive Coordinator for Natural Resources.
542**	Eliminate the Weather Modification Commission.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
668*	Nebraska Right to Farm Act.
674	Establish position of Ombudsman for Corrections.
713	Change provisions relating to the Conservation Corporation Act.
731*	Allow certain ownership of cable utility systems.
767	Transfer duties and personnel from the Military Department to Correctional Services.
767A	Appropriation Bill.
786	Remove Director of Agriculture from Nebraska Wheat Development, Utilization and Marketing Board.
838	Use of written protest for issuance of renewal of retail liquor license.
847	Change provisions relating to public grain warehouses.
873	Change amount of funds credited to the Agriculture Alcohol Fuel Tax Fund.
873A	Appropriation Bill.
874*	Change definition of farm trucks.
893	Determination of a minimum price for wheat sold in Nebraska.
894	Remove practice of chiropractic from certain insurance policies.
945*	Nebraska Water Management Board.
953*	Nebraska Beef Industry Development Act.
953A	Appropriation Bill.
954*	Provide for state supported technical community colleges.
962*	Change provisions relating to agister's liens.
963	State aid to political subdivisions.
964*	Provide aid to governmental subdivisions.

HAROLD F. SIECK

53	Provide for restitution to crime victims.
127	Change provisions relating to county surveyors and state surveyor.
127A	Appropriation Bill.
153	Change provisions relating to budget limitations.
219	Impose an income tax for financing schools.
230*	Prescribe certain standards for cabooses.
233*	Authorize bonds for highway construction and repair.
423*	Encourage the development of programs for gifted children.
442*	Change organization of the Department of Public Institutions.
480*	Eliminate the inheritance tax.
525	Compel witnesses to testify in criminal procedure.
668*	Nebraska Right to Farm Act.
734	Exempt certain transmission and distribution facilities from taxation.
747*	Change provisions relating to driving under the influence of alcohol or drugs.
818	Provide restitution to victims of crime.
846*	Additional sales tax to provide funds for the Natural Resources Development Fund.
953*	Nebraska Beef Industry Development Act.

LARRY D. STONEY

607*	Permit waiver of certain requirements for nonpublic schools.
617	Allow deduction of retirement pension from unemployment benefits.
679*	Provide visitation rights for grandparents.
684*	Eliminate aid to dependent children payments for unborn children.
727	Provide for a continuation of Sanitary Improvement Districts after annexation.
794	Provide for a distinctive operator's license to be used by minors.
809	Minimum penalty for purchase of liquor using altered identification.
869	Prohibit alteration of identification for minors to purchase liquor.
870	Change penalties relating to driving under the influence of alcohol.

TOM VICKERS

32*	Prohibit motor vehicle radar detection and radar transmission devices.
32A	Appropriation Bill.
98*	Exempt publicly owned motor vehicles from registration fees.
192*	Provide for attorney and expert witness fees in civil procedure.
210	Provide source of funds for School Foundation and Equalization Fund.
210A	Appropriation Bill.
628*	Nebraska Equal Opportunity in Education Act.
637*	Provide negative balance rate schedules for certain employers.
644	Authorize additional investments by public power districts.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
709*	Provide for early transfer of students from high school to institutions of higher learning.
726*	Change provisions relating to water control areas.
747*	Change provisions relating to driving under the influence of alcohol or drugs.
797	Change provisions relating to discontinuance of Class II school district.
887	Change certain provisions relating to annual municipal audits.
889*	Exempt public power districts from bid requirements in certain cases.
890*	Require school district information on income tax forms.
890A*	Appropriation Bill.

MERLE VON MINDEN

32*	Prohibit motor vehicle radar detection and radar transmission devices.
255*	Increase Veterans' Aid Fund.
255A*	Appropriation Bill.
269*	Require development of a Comprehensive Mental Health Care Plan.
442*	Change organization of Department of Public Institutions.
524*	Change provisions relating to state aid.
527*	Create office of Executive Coordinator for Natural Resources.

631*	Change taxing provisions relating to horse racing.
657*	Eliminate art work appropriation for construction or remodeling of public buildings.
667	Change definition of legal settlement for mentally retarded persons.
684*	Delete aid to dependent children payments for unborn children.
687*	Change certain provisions relating to financial interest statements.
936*	Provide a retirement system for police officers in cities of the first class.
962*	Change provisions relating to agister's liens.

DONALD L. WAGNER

255*	Increase Veterans' Aid Fund.
255A*	Appropriation Bill.
524*	Change provisions relating to state aid.
527*	Create office of Executive Coordinator for Natural Resources.
586	Provide an exemption for certain deeds from the stamp tax.
587*	Procedures to include certain territory within a Class III district.
588	Provide for disposition of game animals killed on public highways.
696	Transfer assets of obsolete fund to the Nebraska Veterans' Aid Fund.
846*	Additional sales tax to provide funds for the Nebraska Resources Development Fund.
885	Change membership composition of Natural Resources Commission.
897	Establish requirements for public lodging and eating facilities.
953*	Nebraska Beef Industry Development Act.
954*	Provide for state supported technical community colleges.
955	Provide for flood plain management.
964*	Provide aid to governmental subdivisions.

JEROME WARNER

383	Change registration and licensing provisions for certain motor vehicles.
535**	Provide for appropriations during legislative sessions in odd numbered years, C.A.

583	Restrict trapping of fur bearing animals.
584	Carbon monoxide detection devices on natural gas-burning equipment.
585	Allow counties to provide for water and sanitary sewer districts.
636	Annexation of certain additions by cities of the primary class.
743	Restrict use of land zoned as agricultural.
759**	Defer issuance of new motor vehicle number plates.
769*	Eliminate the Auditor of Public Accounts.
771	Provide for a special water master, other water provision.
795*	Provide for a public auditor.
916*	Provide sales use tax revenue for aid to political subdivisions.
920*	Provide dental hygienists with additional duties.
970A	Appropriation Bill.

DONALD WESELY

98*	Exempt publicly owned motor vehicles from registration fees.
237	Payment of special taxes and assessments for Wyuka cemetery.
255*	Increase Veterans' Aid Fund.
259*	Change provisions for contracting with teachers or administrators.
365	Change provisions relating to contributions to State Retirement System.
404*	Nebraska Community Aging Services Act.
456	Fire and Structural Safety Act.
502*	Change provisions of the Nebraska Health Care Certificate of Need Act.
508	Change provisions relating to reclamation districts.
576*	Remove Lt. Governor as presiding officer of the Legislature, C.A.
632*	Provide an appropriation for the renovation of Morrill Hall.
665*	Designate portion of income tax returns for the U. S. Olympic Committee.
679*	Provide visitation rights for grandparents.
688*	Require Lincoln Board of Education to elect members by district.
700*	Election changes for board of directors of Natural Resources Districts.

738*	Provide statements of intent and purpose relating to energy.
746*	Encourage disclosure of information concerning state government.
769*	Eliminate the Auditor of Public Accounts, C.A.
770*	Require State Treasurer to let bids for bank services.
795*	Provide for a public auditor.
799*	Change provisions relating to energy conservation programs.
835*	Provide that patients receive an itemized hospital bill.
835A	Appropriation Bill.
880*	Health Care Facility Reporting Act.
889*	Exempt public power districts from bid requirements in certain cases.

STEVE WIITALA

259*	Change procedures for contracting with teachers or administrators.
309	Allow transfer of certain property to an adjoining school district.
443	Provide system for professional growth by school employees.
628*	Nebraska Equal Opportunity in Education Act.
639	Change provisions relating to rural and suburban fire protection districts.
640	Provide rebuttable presumptions of cause of certain defects or disease.
641	Reduce certification fees for teachers.
642	Eliminate payment of tuition for children of divorced parents.
643*	Increase number of authorized bingo occasions.
666*	Uniform Condominium Act.
710	Provide a foreign language assistance program.
732	Provide an increased maximum unemployment benefit amount.
738*	Provide statements of intent and purpose relating to energy.
749*	Changes relating to Workmen's Compensation.
752	Change provisions relating to certificate of title for motor vehicles.
768*	Nebraska Nursing Home Act.
827*	Remove construction restriction on Omaha technical community colleges.
835*	Provide that patients receive an itemized hospital bill.
836	Provide procedure for requiring mental health treatment for adolescents.

872	Allow counties to maintain certain streets, roads, and sewers.
880*	Health Care Facility Reporting Act.
911*	Prohibit manufacture of imitation controlled substances.
920*	Provide dental hygienists with additional duties.

*	With others.
**	At the request of the Governor

LEGISLATIVE BILLS INTRODUCED BY COMMITTEES

ADMINISTRATIVE RULES AND REGULATIONS REVIEW

97	Change provisions relating to Administrative Rules and Regulations.
649	Repeal rules providing criteria for classifying scenic-recreational road.
784	Relieve the Revisor of Regulations of certain duties.

AGRICULTURE AND ENVIRONMENT

36	Pseudorabies Control Act.
547	Nebraska Pure Food Act.
648	Extend a termination date relating to the college of veterinary medicine.
675	Change provisions relating to branded animals.

APPROPRIATIONS

928	Increase and provide additional fees.
929	Require technical community colleges to charge equal credit hour tuition.
930	Change provisions relating to homestead exemptions.
932	Provide medical care for citizens receiving public assistance.
933	Delete certain payments and programs relating to state services and aid.
935	Eliminate payment of per diems to members of certain state bodies.
942	Change provisions relating to state assistance.
966	Change provisions relating to fees.

BANKING, COMMERCE AND INSURANCE

274	Provide education requirements for insurance agents and brokers.
421	Provide for investigation of violations by professional licensees.
589	Provide rights for particular limited partnerships.
775	Change provisions relating to credit unions.
776	Require credit unions to insure shares, savings, or deposits.
777	Prohibit Director of Insurance from adopting certain rules and regulations.

778	Provide for variable interest rates on certain loans.
779	Changes regarding loans and investments permitted and real estate loans.

BUSINESS AND LABOR

659	Provide a definition of elevators.
764	Workmen's compensation insurance coverage for self-employed persons.
765	Change minimum and maximum weekly unemployment benefits.
801	Change eligibility requirements for unemployment benefits.
967	Payment of miscellaneous claims against the state.
968	Disallow certain claims against the state.

CONSTITUTIONAL REVISION AND RECREATION

75	Transfer of certain revenue from lost fees to the Game and Parks Commission.
474	Create the Legislative Compensation Commission, C.A.
766	Provide for the sale of real estate for nonpayment of taxes, C.A.

EDUCATION

208	Change provisions relating to territory changes for school districts.
319	Provide for merger of certain Class I school districts.
572	Increase appraised value of school land for application of tax levy.
650	Change powers and duties of the Coordinating Commission for Postsecondary Education.
651	Eliminate certain provisions relating to special education programs.
652	Allow State Board of Education to waive certain requirements for private schools.
653	Change provision relating to vehicle inspection for student transportation.
654	Authorize employment contract with the Commissioner of Education.
774	Provide for hearings before terminating or amending teacher contracts.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

198	Authorize the division of voting precincts for public power districts.
444	Change requirements for budget statements by political subdivisions.
681	Change incentive payment provisions for National Guard enlistment.
682	Permit the purchase of blanket bonds for county deputies and employees.
871	Provide for reinstatement of public officers to former employment.

JUDICIARY

715	Define county and district court judicial districts.
716	Provide for Supreme Court rules of procedure for discovery in civil procedure.
717	Increase fee assessed in criminal proceedings costs.
725	Rules of discovery in Civil Cases Act.
787	Clarification of provisions of the Nebraska Juvenile Code.
788*	Provisions changes relating to the Department of Correctional Services.
792	Provide for state fire inspections of existing and new buildings.

LAW ENFORCEMENT AND JUSTICE ADVISORY

347	Harmonize provisions of the Nebraska Criminal Code.
718	Eliminate general terms of court and certain quorum requirements.
719	Increase fees for proceedings in Supreme Court.
720	Change certain provisions relating to conciliation proceedings.
721	Provide statewide powers to certain judges.
722	Change provisions relating to court appeals.
723	Provide for clerk magistrates rather than associate county judges.
724	Provide for certification of questions of law to the Supreme Court.

MISCELLANEOUS SUBJECTS

685	Change the boundaries of the 14th and 34th legislative districts.

686 Change provisions relating to liquor licenses, fees, restrictions.
689* Repeal Political Accountability and Disclosure Act.
815 Change redistricting provisions for political subdivisions.
900 Prohibit liquor manufacturers from participating in coupon plans.

NEBRASKA RETIREMENT SYSTEMS

458 Change vesting provisions relating to retirement.
461 Provide uniform membership requirements for certain public employees.
464 Require certain cities and villages to create retirement committees.

PERFORMANCE REVIEW AND AUDIT

448 Changes relating to the Board of Examiners in Medicine and Surgery.
449 Change provisions relating to the Board of Examiners in Optometry.
450 Change provisions relating to the Board of Examiners in Podiatry.
923 Change provisions relating to the Board of Examiners in Dentistry.
924 Eliminate a termination of the Board of Examiners in Chiropractic.
925 Change provisions relating to the Board of Examiners in Pharmacy.
926 Continue Board of Nursing, provide for examination, licenses, fees.
927 Continue Board of Examiners of Psychologists.
931 Collection of delinquent accounts owed by political subdivisions.
934 Eliminate certain state advisory bodies.

PUBLIC HEALTH AND WELFARE

261 Provide a procedure for determining public assistance payments.
263 Increase examination fees for embalming and funeral directing licenses.
264 Change provisions relating to residences for the mentally retarded.

378	Change provisions of the Nebraska Health Care Certificate of Need Act.
415	Provide for state mental health plan, close Norfolk Regional Center.
828	Decrease assets allowed for children in custody of Department of Public Welfare.
829	Abolish the advisory council on hospital and medical facilities.
830	Provide for establishment of emergency medical services councils.
831	Provide standards for testing of infants for certain metabolic diseases.
832	Change provisions relating to hospital licensing.

PUBLIC WORKS

148	Change provisions relating to soil and water conservation.
222	Provide for interim control area for ground water.
669	Establish the Nebraska Boundary Commission.
742	Allow Department of Roads to acquire certain railroad property.
763	Change provisions relating to certain motor vehicle window requirements.
848	Change requirements for projects under Nebraska Water Conservation Act.
849	Limit damages for superior users of ground water.
850	Provide for priorities among water users.
851	Change provisions for reusing ground water from irrigation water reuse pit.
852	Joint Public Power Authority Act.

REVENUE

693	Provide for adjusting state tax rates in response to federal tax changes.
740	Change provisions relating to homestead exemptions.
740A	Appropriation Bill.
741	Change certain provisions relating to property assessment.
816	Distribution of $70 million in state aid to political subdivisions.
816A	Appropriation Bill.
819	Impose sales and use tax on gross receipts of computer software.
903	Reward for disclosure of nonpayment of motor vehicle fuel tax.

TELECOMMUNICATIONS

229	Restrict a finding of inadequate exchange telephone service.
704	Require certain programming on community antenna television service.

URBAN AFFAIRS

435	Change provisions relating to the Nebraska Housing Authority Law.
820	Change provisions for sanitary and improvement districts.
821	Change provisions relating to appointment of Housing Authority Commissioners.

* With others

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Administrative Rules & Regulations Review

Chairperson - Vard Johnson

97 649 784 792

Agriculture & Environment

Chairperson - Loran Schmit

36 148 149 528 542 547 593 619
648 668 675 678 697 713 786 840
847 861 873 893 897 953 962

Appropriations

Chairperson - Jerome Warner

162 164 255 604 604A 632 657 699
754 755 756 758 761 912 928 931
933 934 935 942 957 966 970 971

Banking, Commerce & Insurance

Chairperson - John DeCamp

137 139 274 349 358 403 421 426
586 589 595 598 621 623 626 646
658 666 702 708 738 751 775 776
777 778 779 799 804 813 826 855
866 894 907 918 941 951 952 961

Business & Labor

Chairperson - Bill Barrett

115 176 410 599 610 615 617 637
640 659 690 732 749 764 765 800
801 843 864 886 917 937 944 949
959 967 968

Constitutional Revision & Recreation

Chairperson - Bernice Labedz

75 416CA 474CA 531CA 535CA 576 577 580
583 588 627 634 671 672 680 706
730 735 766 769 773 798 803 842
905 947 LR198CA

Education

Chairperson - Gerald Koch

208 210 251 259 305 309 319 338
370 423 440 443 455 472A 498 507
520 570 572 578 587 607 628 641
642 650 651 652 653 654 688 709
710 736 737 774 789 796 797 827
845 891 892 895 896 929 938 946

Government, Military & Veterans Affairs

Chairperson - Martin Kahle

127 239 281 301 418 444 488 492
585 594 601 624 639 647 662 681
682 696 701 704 711 729 744 746
748 767 782 790 795 844 854 871
872 879 882 921 956

Judiciary

Chairperson - William Nichol

32 53 89 126 180 192 202 215
231 242 335 340 341 347 353 372
386 402 413 414 428 432 465 513
514 525 546 567 568 569 571 590
597 603 612 618 620 625 674 676
677 679 691 705 715 716 717 718
719 720 721 722 723 724 725 733
745 747 780 781 783 787 788 805
806 812 814 818 856 858 862 865
867 870 901 910 911 913 919 922
948 950 965

Miscellaneous Subjects

Chairperson - Elroy Hefner

429	431	490	493	584	605	616	629
638	643	685	686	687	689	791	808
809	815	825	837	838	839	841	859
869	888	900					

Nebraska Retirement Systems

Chairperson - Steve Fowler

131	240	287	365	387	395	399	424
458	461	464	609	810	811	902	936

Public Health & Welfare

Chairperson - Sam Cullan

69	183	212	261	263	264	267	269
270	314	378	380	404	415	442	448
449	450	456	502	509	510	521	522
533	602	606	635	667	684	703	714
768	802	828	829	830	831	832	834
835	836	853	863	880	883	884	906
920	923	924	925	926	927	932	

Public Works

Chairperson - Maurice Kremer

8	94	98	152	198	222	226	229
230	348	364	375	383	400	401	408
417	473	508	511	527	550	573	575
579	600	608	611	613	633	644	645
655	660	661	669	670	673	694	700
726	731	739	742	750	752	759	763
771	772	785	794	824	848	849	850
851	852	860	874	877	885	889	915
945	955	958	969	LR202	LR212		

Revenue

Chairperson - Calvin Carsten

25 117 135 142 153 169 211 219
233 278 300 304 373 412 454 467
480 524 581 582 591 596 614 622
630 631 656 663 665 683 693 695
707 712 728 734 740 741 753 757
760 762 770 793 816 819 822 833
846 857 876 878 890 898 903 914
916 930 940 943 954 960 963 964

Urban Affairs

Chairperson - Dave Landis

237 359 435 574 636 692 698 727
807 817 820 821 823 868 875 881
887 899 904 908 909 939

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 60 days

Total Number of Bills Introduced, 87th Legislature	971
Total Number of "A" Bills Introduced, 87th Legislature	91
Total Number of Carryover Bills, 1st Session	170
Total Number of Carryover "A" Bills, 1st Session	10
Total Number of New Bills, 2nd Session	409
Total Number of New "A" Bills, 2nd Session	41
Total Number of Resolutions Introduced	389
Total Number of Bills to Become Law	186

Approved by Governor, 179:

32	69	126	127	127A	131e	139	139A
192	198e	208	212	212A	215e	229	231e
239	255e	255Ae	259	263	264	267	274
274A	278	287e	304	309	314	347	353e
359	370	375	378	378A	383	402	403
404	404A	410e	417e	418	421	423	428
431e	435	440	448e	449e	450e	454e	465
480	490	492	511	522	525	542	547e
563e	564	565	566	568	571	572e	573
579e	589e	592	601	602	602Ae	604e	604Ae
605	606	609	609A	623	628	629	629A
630e	631e	633	642	644	646	649	651
654	659e	662	664e	668	669e	677e	678
685e	688	692	693e	696	697	702e	703e
705e	708	714	714A	716	717e	718	719
720	722	724	728e	729	739	751	753e
755e	756e	757e	759	760e	767e	767Ae	774e
775	776	778e	779e	782e	784	787e	790e
792e	796	799	799A	801	807	816	817
827	828e	829	834e	835	839	845e	852e
854	854A	868e	869	875e	877e	892e	909e
928e	931	933e	941e	942e	951	961	962
967e	970e	970Ae					

Returned by Governor Without Approval, 6:

89 412 488 626 669Ae 966

Line Item Veto Partially Overridden, 1:

761e

Became Law With Governor Line Item Veto Included, 2:

754e 816A

Passed Notwithstanding the Objections of Governor, 0.

Became Law Without Governor's Signature, 4:

531CA 577CA 634CA 766CA

Failed on Final Reading, 8:

89A 115 413 520 590 591 672CA 952

Indefinitely Postponed, 411:

8 25 36 36A 53 75 75A 94
97 98 115A 117 135 137 142 148
149 152 153 162 164 176 180 180A
183 202 210 210A 219 222 226 226A
230 233 240 242 251 261 269 270
281 300 301 305 319 335 338 340
341 348 349 358 364 365 372 372A
373 380 386 387 395 399 400 401
408 414 415 416CA 424 429 432 442
443 444 455 456 458 461 464 467
472A 473 474CA 488A 493 498 502 507
508 509 510 513 514 520A 521 524
527 528 533 535CA 546 550 567 569
574 575 576CA 578 580CA 581 582 582A
583 584 585 586 587 588 590A 593
594 595 596 597 598 599 600 603
603A 607 608 610 611 612 613 614
615 616 617 618 619 620 621 622
624 625 627 632 635 636 637 638
639 640 641 643 645 647 648 650
652 653 653A 655 656 657 658 660
661 663 665 666 667 670 670A 671CA
673 674 675 676 676A 679 680 681
682 683 684 686 687 689 690 691
694 695 698 699 700 701 704 706CA

707 709 709A 710 711 712 713 715
721 723 725 726 727 730CA 731 732
733 734 735CA 736 737 738 740 740A
741 742 743 744 745 746 747 748
749 749A 750 752 758 762 763 764
765 768 768A 769CA 770 771 772 773CA
777 780 781 783 785 786 788 789
791 793 794 795 797 798CA 800 802
803CA 804 805 806 808 809 810 811
812 813 814 815 818 819 820 821
822 823 824 825 826 826A 830 831
832 833 835A 836 837 838 840 841
842CA 843 844 846 847 848 849 850
851 853 855 856 857 858 859 860
861 862 863 863A 864 866 867 870
871 872 873 873A 874 876 878 879
879A 880 881 882 883 884 885 886
887 888 889 890 890A 891 893 894
895 896 897 898 899 900 901 902
903 903A 904 905 906 907 908 910
911 912 913 914 915 916 917 918
919 919A 920 921 922 923 924 925
926 927 929 930 932 934 935 936
937 938 939 940 943 944 945 946
947CA 948 949 950 953 953A 954 955
956 957 958 959 960 963 964 965
968 969 971

Resolutions Indefinitely Postponed, 3:

198CA 202 218

Bills Withdrawn, 9:

32A 169 211 237 258A 426 522A 570
865

Resolutions Adopted, 71:

197 199 200 201 203 204 205 206
207 209 210 211 212 213 215 217
219 220 221 224 227 228 230 231
232 233 234 237 238 239 242 243
245 246 247 249 250 251 252 254
256 257 258 259 260 266 268 269
272 274 277 281 287 292 293 295

298 304 313 316 331 359 380 381
382 383 385 386 387 388 389

Resolutions Failed, 4:

208 214 244 270

GENERAL INDEX

ACKNOWLEDGMENTS
Flags, National Guard 38

ADJOURNMENT
Sine die 2025

ANNOUNCEMENTS
Apples, Nebraska City 222
Committee meetings 224, 1724, 1941
Executive sessions 177, 534, 685, 713, 787, 899, 958, 986, 1092, 1094, 1122
Interim Study Resolutions (deadline) 1316
Priority Bills...................111, 625, 677, 753, 756, 787
Special Order 118, 422, 448, 589, 622, 667, 753, 756, 789, 845, 1007, 1146, 1173, 1453
Unlimited number of bills.............................141

APPOINTMENTS
Acklie, Duane W. - State Highway Commission 47, 106, 238, 487, 556
Balok, Buck - Nebr. Energy Office ....(Special Session 1981 - 23, 40) 221, 230, 438, 487
Barthuly, Henry - Commission for the Hearing Impaired 640, 744, 911, 1414, 1933
Borgmann, Robert - Motor Vehicle Industry Licensing Board 1978
Buist, Jack - Safety Center Advisory Council 43, 106, 1231, 1606, 1935
Bush, Guy F. - Oil & Gas Conservation Commission 641, 744, 828, 1153, 1182
Cattle, Don - Safety Center Advisory Council 43, 106, 1230, 1606, 1935
Collins, Doris - Board of Parole 42, 106, 582, 827, 931
Coulter, Calvin - Nebr. Investment Council ....(1980 Journal - 63, 1317) 106, 110, 178, 220
Davis, Herbert H., Jr. - Advisory Committee to Dept. of Economic Development ....(Special Session 1981 - 24, 40) 582, 635, 759
Dobesh, Wilma - Rural Health Manpower Commission ....(1981 Journal - 2049, 2071) 911, 1414, 1933
Dwyer, Harold - Manufactured Housing Advisory Board 927, 1007, 1046
Egging, John - Advisory Committee to

Dept. of Economic Development
............(Special Session 1981 - 24, 40) 296, 438, 487
Fitzgerald, William - Nebr. Arts Council
...............(Special Session 1981 - 29, 40) 1557, 1934
Giles, Lorraine - Safety Center Advisory
Council 43, 106, 1230, 1606, 1935
Gilmore, Reed - Oil & Gas Conservation
Commission 641, 744, 828, 1153, 1182
Gottschalk, Frederic - Nebr. Accountability and
Disclosure Commission (Secretary of State
appointment)...........332, 387, 411, 434, 508, 816, 932
Hannam, Rosemary - Advisory Committee to
Dept. of Economic Development
.......(Special Session 1981 - 24, 40) 296, 403, 777, 931
Harris, Sheldon J. - Nebr. Investment
Council 926, 1007
Houser, Ronald E. - State Board of
Health 45, 105, 248, 537, 557
Huff, Martin - Manufactured Housing Advisory
Board.......................927, 1007, 1046, 1452, 1933
Innes, Von A. - Manufactured Housing Advisory
Board.......................927, 1007, 1046, 1452, 1933
Jess, J. Michael - Director, Dept. of Water Resources
............(Special Session 1981 - 22, 40) 238, 487, 556
Kiburz, Max - Advisory Committee to
Dept. of Economic Development
......(Special Session 1981 - 24, 40) 221, 230, 438, 487
Kimball, Dr. Kenneth - Safety Center Advisory
Council 43, 106, 1231, 1606, 1935
Kingsbury, Merle - State Highway
Commission 46, 106, 238, 1077, 1181
Kloster, Patricia Kuhr - Commission for the Hearing
Impaired 640, 744, 911, 1414, 1933
Kohmetscher, Colonel Elmer J. - Nebr. State
Patrol 373, 411, 582, 827, 931
Kratz, Dean G. - Commission of Industrial
Relations......................446, 463, 492, 993, 1035
Krugg, Henry, Jr. - Educational Lands and
Funds 41, 243, 257
Laird, E. L. - Safety Center Advisory
Council 43, 106, 1231, 1606, 1935
Larson, Don - Nebr. Gasohol Committee
........(Special Session 1981 - 26, 40, 52) 170, 321, 397
Leuenberger, Don - Director - Dept. of
Revenue.........................45, 106, 140, 225, 256

Loutzenheiser, Homer - Environmental Control Council
........(Special Session 1981 - 25, 40, 52) 170, 321, 397
Lynch, Tim - Manufactured Housing Advisory
Board......................927, 1007, 1046, 1452, 1933
Marshall, Bill, III - State Board of
Education..................................1077, 1105
Miers, Vernon - Commission of the Hearing
Impaired................................640, 744, 911
Milligan, Cynthia Hardin - State Board of
Education..................................1077, 1105
Moody, Gene - Educational Lands and Funds
............(Special Session 1981 - 28, 40) 41, 243, 257
Orr, Jeffrey L. - Commission of Industrial
Relations.......................446, 463, 492, 745, 761
Palmer, Betsy - Director, Policy Research
Office.......................................47, 106
Parker, Robert - Environmental Control Council
.................(Special Session 1981 - 25, 40) 170, 188
Peterson, Harold - Nebr. Highway Bond
Commission...................44, 106, 238, 1077, 1181
Peterson, John J. - Safety Center Advisory
Council......................43, 106, 1231, 1606, 1935
Prostok, Babette - State Highway
Commission...................46, 106, 238, 1077, 1181
Rogers, Joe - Manufactured Housing Advisory
Board......................927, 1007, 1046, 1452, 1933
Rohde, Robert J. - Manufactured Housing Advisory
Board......................927, 1007, 1046, 1452, 1933
Sieckmeyer, Ken - Safety Center Advisory
Council......................43, 106, 1231, 1606, 1935
Skinner, C. Mickey - Game and Parks
Commission...................373, 411, 437, 933, 1035
Smith, Roy - State Highway
Commission.....................1106, 1123, 1875, 2022
Solem, Cal - Nebr. Arts Council
............(Special Session 1981 - 30, 40) 272, 816, 932
Stenberg, Don - Director, Dept. of Administrative
Services.......................374, 411, 434, 703, 760
Tompkins, Rod - Manufactured Housing Advisory
Board......................927, 1007, 1046, 1452, 1933
Walker, Linda R. - Educational Television
Commission.................................1944, 1971
Wall, Ken - Director, Health Manpower Referral
Service.........................42, 105, 248, 537, 557
Wood, Al - Environmental Control Council

........(Special Session 1981 - 25, 40, 52) 170, 321, 397
Young, Ray - Advisory Committee to the Dept. of
Public Welfare Institutions and Corrections
.............(1981 Journal - 1701, 1783) 911, 1414, 1933

APPRECIATION
Speaker Marvel letter 1621

ATTORNEY GENERAL'S OPINIONS, LETTERS
Auditor of Public Accounts, constitutionality of
maintaining office (Kahle #214) 1153
Cigarette tax, increase
(Haberman #161) 66
City attorney's, collect attorney fees on civil
actions on behalf of city libraries (Beutler #170) 175
Commission of Industrial Relations, amend
act creating (H. Peterson #154) 52
Consumer Protection Act, relating to
loan brokers (Wesely #208) 928
County roads, abandonment
(Hefner #158) 60
Dental hygienists, clarifing
legislation (Warner #164) 70
Federal Community Service Block Grant,
more restrictive eligibility section
(DeCamp #163) 68
Federal highways, assent to various federal
laws (Chambers #240) 1607
Firearms or other deadly weapons, using, possessing,
and terms of imprisonment (Haberman #171) 206
Horse races, limits to
Nebraska-bred horses (Beyer #172) 207
Jail sentences, driving while intoxicated and
using or possessing deadly weapons
(Haberman #173) 209
Jail sentence, mandatory
(Haberman #169) 162
Judges, duties performed in county court
by county judge or municipal court judge
(Beutler #150) 48
LB 76, 1981, change provisions concerning avoiding
arrest (DeCamp #192) 715
LB 115, Workmen's Compensation, increase limitation
(Landis #190) 629
LB 126, establish the crime of theft by

shoplifting (Beutler #193)............................735
LB 127, modify various aspects of county
surveyor laws
(Haberman #225)............................1421
(Sieck #236)............................1596
LB 134, 1981, Nebraska Accountability and Disclosure
Commission (DeCamp)............................596
(Thomas F. Burke)............................597
LB 138, 1981, proposed constitutional amendment
relating to legislative salaries
(Labedz #179)............................281
LB 154, 1981, regulation of loan brokers
(Wesely #168)............................116
LB 202, provide for repeal of death penalty
(Goodrich #218)............................1170
(Chambers #245)............................1880
(Nichol #246)............................1880
LB 231, sentences of prisoners, reduction
(Fowler #178)............................280
LB 284, 1981, state aid distribution formula
(DeCamp #185)............................502
LB 335, Adult Protective Services Act
(DeCamp #207)............................892
LB 376, 1981, remove restriction on location of
auxiliary teller officers (DeCamp #167)............................115
LB 378, modify Nebraska Health Care Certificate
of Need Act (Cullan #198)............................774
LB 401, establishing water control areas
by election (Lamb #248)............................1959
LB 421, reporting of violations by professional licensees
(Cullan #195)............................739
LB 488, salary increases to constitutional
officers (Haberman #251)............................1982
LB 522, transfer administration of welfare
programs (V. Johnson #156)............................56
LB 522A, appropriation bill, transfer administration
of welfare programs (V. Johnson #234)............................1528
LB 525, compelling testimony by a witness
(Cullan #203)............................888
LB 531, proposed constitutional amendment
relating to legislative salaries
(Labedz #179)............................281
(Labedz #210)............................953
LB 571, allow foreign corporations and aliens to
aquire oil and gas leases

(Vickers #194) 737

LB 578, allow residents over 60 to enroll in postsecondary courses without tuition (Koch #197) 743

LB 602A, bingo, change certain playing card requirements (Koch #249) 1974

LB 611, minimum maintenance of roads
  (Hefner #224) 1419
  (Wesely #228) 1464

LB 647, change provisions for initiative and referendum petitions (Vickers #222) 1416

LB 652, provide for waiver of State Board of Education requirements for private schools (H. Peterson #196) 740

LB 665, allow deductions on tax returns for U.S. Olympic Committee (V. Johnson #209) 929

LB 684, delete authorization for ADC payments for unborn children
  (Cullan #191) 683
  (Cullan #200) 807

LB 700, establish district elections for NRD board members (Wesely #223) 1417

LB 717, increase in costs assessed in criminal proceedings (DeCamp #199) 775

LB 726, water control areas (Haberman #229) 1467

LB 734, exempt electrical transmission and distribution facilities from taxation (Clark #254) 2035

LB 748, interest in contracts by county officers (Kahle #184) 473

LB 787, modify provisions of Nebr. Juvenile Code (Nichol #246) 1880

LB 789, State Education Dept. approval of teacher contract forms (Koch #188) 568

LB 816, provide for state aid to political subdivisions
  (Schmit #182) 425
  (Carsten #213) 1068
  (Carsten #216) 1161
  (Carsten #226) 1422
  (DeCamp #230) 1469
  (Vickers #231) 1492
  (DeCamp #235) 1593
  (DeCamp #242) 1755

LB 816A, appropriation bill, provide for state

aid to political subdivisions
(Warner #252)........1993
(DeCamp #253)........1994
LB 818, provide for restitution to victims of crime (Sieck #183)........467
LB 825, library boards collect court costs and attorney's fees (Chambers #244)........1860
LB 863, fees for tests administered by Dept. of Health (Culllan #201)........828
LB 869, prohibit the alteration of identification documents (Chambers #227)........1462
LB 882, Auditor of Public Accounts (Kahle #215)........1157
LB 885, Nebr. Natural Resources Commission membership (Wagner #204)........890
LB 890, penalty for failure to include school district information on tax forms (Haberman #219)........1332
LB 893, minimum price for wheat
(Cullan #217)........1161
(Warner #237)........1596
LB 895, high school tuition for non-resident pupils (Lamb #243)........1816, 1844
LB 898, extend payments from Local Government Revenue Fund
(DeCamp #202)........887
(DeCamp)........930
(DeCamp #220)........1355
LB 933, eliminate various payments, programs, and public bodies (Lamb #243)........1816, 1844
LB 948, allocation of forfeited property (Pirsch #181)........422
LB 953, Nebraska Beef Industry Development Act (Vickers #247)........1957
LB 954, technical community colleges, provide for state supported (Lamb #189)........625
LB 970, insurance for state employees
(Wesely #232)........1523
(Warner #233)........1526
Nebraska Corn Development, Utilization and Marketing Board, authority to make grants to public or private bodies (Schmit #155)........55
Nebraska groundwater, if statutes give counties authority to control (Haberman #166)........73

Personal property, exemption of
(Sieck #174)....................................210
Political subdivisions, retail repurchase certificates,
purchase required (Beutler #241) 1617, 1764
Real estate, cities and counties, power
to sell and convey (Clark #165)........................72
State Electrical Division, authority over
property leased from federal
government (Kahle #151)..............................49
State civil rights, need to reevaluate
existing state statutes (Landis #160)..................62
Statute 77-3431, question of validity
(Carsten #157).......................................58
Taxes, responsibility of state agencies for
collection of state severance tax, oil and
gas conservation assessments, and royalty
payments from school and public lands
(Wesely #211) 1008

BIRTHDAYS
Cope, Ron...813
Duda, Walter J..165
Johnson, Vard 1118
Kahle, Martin..1671
Kilgarin, Karen..1114
Nichol, William 1090
Palmer, Dr. Robert......................................881
Peterson, Howard 1372
Remmers, R. Wiley.......................................903
Sieck, Harold 903
Wesely, Don 1479

CEREMONIES AND PROGRAMS
Former State Legislators 1107
Mothers of the Year....................................1522
Statehood Day 900

CHAPLAINS

Ave-Lallemant, Rev. Peter 1668
Baldridge, Rev. Gale R.,................................416
Beatty, Rev. William A. 1180
Bisman, Rabbi 612
Boman, Father Sam 639
Brekke, Rev. Chris 681
Bromley, Robert L.......................................372

Casey, Rev. T. Daniel 734
Cloeter, David 1034
Cooke, Rev. James.....................................1951
Currier, Rev. Bruce....................................825
Doiel, Rev. Andrew 846
Frazier, Glenn...540
Gangler, Daniel R. 515
Gibson, Rev. J. Dallas.................................582
Haas, Rev. Emmet 809
Hallock, Rev. Eddy 1755
Hansen, Rev. Robert 964
Hofker, LeRoy...1248
Jacobs, Rev. Vernon F.................................1364
Jark-Swain, Rev. Marsha...............................1003
Keenan, Monsignor Charles 1209
Koeber, William A., Jr. 434
Kremer, Senator Maurice...............................1844
Lundby, Gerald 330
Minert, Rev. John.....................................1082
Norden, Dr. Al...................................445, 1510
Nunnally, Rev. Donald 596
Oswald, Pastor Leland.................................1111
Palmer, Dr. Robert ...38, 132, 161, 188, 230, 255, 279, 302, 311, 394, 485, 790, 881, 1148, 1330, 1461, 1605
Placek, Father Edmund.................................1410
Raines, Rev. Daniel 758
Reimnitz, Rev. Charles................................1907
Ross, Rev. John 1277
Rumery, Senator Myron...........................1391, 1799
Sturdy, Rev. Ralph.....................................715
Tassler, Rev. Melvin...................................923
Venden, Rev. Morris 1057
Visser, Rev. Gilbert...................................499
Walker, Walter J. 465
Werner, Major John.....................................563
Young, Rev. Edith 1553

CHIEF JUSTICE OF THE SUPREME COURT
Escort committee.......................................689
State of Judiciary message 689

CLERK OF THE LEGISLATURE
After adjournment certificate.........................2037
Communication - LB 208..........................1442, 1457
Letters and certificates on bills

LB 754 2026
LB 761 2026

COMMITTEES, OTHER THAN STANDING
Committee Hearings
Rules 592, 887, 1001
Committee on Committees
Reports 138, 258, 398
Select Committee Report
Rules 1605

COMMITTEES, STANDING
Corrected standing committee report 614
Hearing room change 269, 397, 509, 911
Hearings, other than bills 243, 295, 300, 709, 755, 776, 828
Hearings, state agency budget
(LB 755, LB 756, LB 761) 668
Meetings 224, 1941
Notice, Banking, Commerce and Insurance Committee 834
Vice Chairperson, Business and Labor 156, 161

COMMUNICATIONS
LB 208 .... 1442, 1457
LB 754 2027
LB 761 2026
Speaker Marvel, letter 1621

CONTRACT, LEASE APPROVALS
Dept. of Correctional Services 1282
Historical Society 1034

EXECUTIVE BOARD, LEGISLATIVE COUNCIL
Administrative leave, Easter 1025
Interim Study Resolutions
Deadline 1316
Report 1803
Report to appropriate committee 1946
Meeting 1724

EXPLANATIONS OF VOTES
Beyer 1557
Carsten 778, 1698
Chambers 1443
Cullan 1698
DeCamp 1025

Dworak....................................1331
Goll..1989
Haberman 175, 580, 774, 1303
Hefner 2017
Higgins..........................774, 1823, 1861
Hoagland 1768
Kilgarin.......................................1258
Koch 703, 941
Labedz 2017
Lamb 838
Marvel 778
Peterson, H. 150
Peterson, R. 513
Pirsch 1531
Sieck 611
Stoney 534, 1453, 2017
Warner 1258
Wesely 289

GOVERNOR
Addressed Legislature
Message 1083
State of the State and Budget address...............191
Appointment letters 41-47, 373, 446, 640, 641, 926, 927, 1077, 1106, 1944
Bills, approvals ..316, 652, 913, 964, 1180, 1391, 1415, 1416, 1462, 1609, 1610, 1633, 1767, 1846, 1847, 1862, 1874, 1977, 2029, 2030
Bills, returned at request of Legislature
LB 208 1454
Bills vetoed, messages, motions
LB 89 1978
LB 412 2030
LB 488 2031
LB 626 1575
LB 669A 1976
LB 754, line-item............................1951
LB 761, line-item............................1952
LB 816A, line-item 2031
LB 966 1979
Committee hearings, Governor appointments.........41, 110, 140, 170, 180, 188, 221, 230, 238, 248, 296, 403, 434, 437, 492, 582, 828, 1046, 1230
Legislature approve Governor appointments....220, 256, 397, 487, 556, 557, 759, 760, 761, 931-933,

1035, 1036, 1181, 1182, 1933-1935, 1978, 2022
Letters
Constitutional Amendments, no signature
LB 531CA....................................1861
LB 577CA 1392, 1768
LB 634CA....................................1392
Welcome..39
Standing Committee Reports, Governor appointments....177,
225, 243, 321, 438, 487, 537, 635, 703,
745, 777, 816, 827, 911, 933, 993, 1076,
1152, 1414, 1452, 1557, 1606, 1875
Summary of line-item reductions.......................1954

JOURNAL, LEGISLATIVE
Approve 60th day.....................................2025
Permanent Journal, printing, distribution...............2023

LOBBYISTS REPORTS
....................212, 305, 377, 474, 574, 653, 770, 861,
1018, 1114, 1303, 1570, 1815, 1993

MOTIONS
Adjournment.................................1408, 1840
Adopt temporary rules............................39, 133
Appreciation,
Lt. Governor and Speaker 2024
Approve committee report.............................258
Disposition of Bills...................................2023
Election of Business and Labor Chairperson..............77
Enrollment and Review Chairperson....................2024
Escort Chief Justice 689
Escort Governor 191, 1083, 2024
Expedite bills
LB 378A 1173
LB 572...436
LB 664...218
LB 685...793
LB 717...978
LB 834...806
Introduce new bills 718, 815
Legislature approve Governor appointments....220, 256, 397,
487, 556, 557, 759, 760, 761, 931-933,
1035, 1036, 1181, 1182, 1933-1935, 1978, 2022
Override veto.................2012, 2013, 2017, 2019, 2020
Reconsider action on Committee on Committee
Report 295, 300, 398

Return bill from Governor (LB 208)....................1402
Session Laws, Journals...............................2023
Stand at ease.................................1901, 1902
Sine Die..2025
Suspend Rules
  Adopt resolutions in one vote...........1939, 1940, 2022
  Allow adoption of amendments....1783, 1834, 1836, 1877
  Appropriation bills 1089
  Call of the House on consideration of motion.......1721
  Consider on General File............................217
  Establish temporary procedure (DeCamp)............1625
  Limit debate 1893, 1905
  Place bill from General File to E & R Engrossing ...1896
  Read on Final Reading........516, 847, 1342, 1809, 1918
  Reconsider action on Final Reading......1455, 1532, 1944
    2003, 2016, 2019, 2020, 2021
  Vote without further debate.............1496, 1659, 1849
  Vote without further debate on
    germaneness issues.............1679, 1814, 1892, 1893
Unbracket bill......................................1986
Withdraw bills........139, 256, 398, 418, 487, 534, 604, 625

PRINT IN JOURNAL, UNANIMOUS CONSENT
Letters
  Dept. of Revenue, budget recommendations...........997
  President Reagan, 50th Anniversary of State Capitol .1019
Notice concerning Banking, Commerce and
  Insurance Committee................................834
Preliminary Budget Report, Rule 8 (LR 215) 554
State Colleges, resolution to withdraw funds........588, 601,
  602, 603, 759

POINT OF PERSONAL PRIVILEGE
Chambers..1399

PRIORITY BILLS
Apking - LB 936 788
Barrett - LB 668.....................................625
Beutler - LB 709.....................................788
Beyer - LB 408 788
Burrows - none
Carsten - LB 941 788
Chambers - LB 202 753
Chronister - LB 924..................................753

Clark - LB 633 677
Cope - LB 604 788
Cullan - LB 603 788
DeCamp - LB 731 788
Duda - LB 790 787
Dworak - none
Fenger - LB 616 788
Fowler - LB 688 788
Goll - LB 909 625
Goodrich - LB 751 788
Haberman - LB 629 788
Hefner - LB 675 788
Higgins - LB 768 625
Hoagland - LB 480 788
Johnson, L. - LB 619 788
Johnson, V. - LB 520 788
Kahle - LB 611 788
Kilgarin - LB 582 788
Koch - LB 577 788
Kremer - LB 849 788
Labedz - LB 824 788
Lamb - LB 954 788
Landis - LB 591 788
Marsh - LB 859 788
Marvel, Speaker
LB's 708, 834, 685, 230, 259, 358, 535, 573, 590, 647,
661, 671, 693, 702, 716, 720, 753, 757, 760, 774,
785, 808, 889, 942, 956, 966, 767,
891, 918 .... 677, 756, 806
Newell - LB 817 788
Nichol - LB 568 788
Peterson, H. - LB 652 756
Peterson, R. - LB 547 788
Pirsch - LB 948 788
Remmers - LB 875 788
Rumery - LB 877 788
Schmit - LB 964 788
Sieck - LB 818 787
Stoney - LB 870 788
Vickers - LB 726 788
Von Minden - LB 684 788
Wagner - LB 955 788
Warner - LB 759 788

Wesely - LB 738 788
Wiitala - LB 835 677

Administrative Rules and Regulations Review
  LB 792 788
Agriculture and Environment
  LB 893 788
  LB 953 788
Appropriations
  LB 928 788
  LB 933 788
Banking, Commerce and Insurance
  LB 626 787
  LB 799 788
Business and Labor
  LB 765 788
  LB 801 788
Constitutional Revision and Recreation
  LB 766 788
  LB 947 788
Education
  LB 895 788
  LB 896 788
Government, Military and Veterans Affairs
  LB 854 788
  LB 882 788
Judiciary
  LB 787 788
  LB 805 788
Miscellaneous Subjects
  LB 686 788
  LB 687 788
Nebraska Retirement Systems
  LB 458 787
  LB 609 788
Public Health and Welfare
  LB 602 788
  LB 714 788
Public Works
  LB 850 788
  LB 852 788
Revenue
  LB 816 788
  LB 903 788
Urban Affairs

LB 807 788
LB 868 788

REFERENCE REPORTS, BILLS AND RESOLUTIONS
.... 129, 132, 158, 186, 228, 253, 277, 299, 316, 348, 385, 744, 828, 1107, 1142

REFERENCE REPORTS, GOVERNOR APPOINTMENTS
.... 105, 387, 410, 463, 744, 1006, 1105, 1123, 1971

REPORTS, ACKNOWLEDGED
Advisory Committee for Older Nebraskans
annual plan for aging services 76
Auditor of Public Accounts
report of state agencies 231, 1961
Courts of Nebraska, report on structure
and operation of 1980 76
Dept. of Administrative Services,
report of Preliminary Plan Approval for
Heritage Center (81-1108.41) 76
Dept. of Correctional Services,
seventh annual report 1961
Dept. of Environmental Control, report on Hazardous
Waste Disposal Assistance Program 76
Dept. of Health, additional equipment needed,
(72-5831, R.S. Supp. 1980) 161
Dept. of Public Institutions, annual report 1330
Dept. of Roads, exterior access roads and interior
service roads, (39-1390 R.R.S. 1943) 76
Dept. of Roads, financial position and operations,
quarterly report 1282
Dept. of Roads, letter (LB 559) 76
Dept. of Roads, Nebr. State Highway Commission,
quarterly report 76
Dept. of Roads, statement of deposits to
Highway Cash Fund 75, 284, 639, 1148, 1961
Natural Resources Commission, letter in accordance
with 2-3263 R.R.S. 1943 189
Natural Resource Districts 74, 152, 283, 292, 396, 502, 744
Nebr. Energy Office, annual report,
(81-1607) 685
Nebr. Energy Office, quarter report,
(81-1606 RSN 1980) 76
Neb. State Board of Landscape Architects,
annual report, (80-8,184 to 81-8,208) 487

Neb. State Patrol, Drug Control
  Cash Fund, report 446
Nebr. Retirement System actuary's report
  Nebr. County Employees 854
  Nebr. Judges Employees 854
  Nebr. School Employees 830
  State Employees 854
  State Patrol Employees 854
Neb. State Colleges, resolutions to withdraw
  funds 588, 601, 602, 603, 759
Nebr. Workmen's Compensation Court,
  annual report 76
Policy Research Office,
  report (84-156) 931
Risk Management/State Claims Board, claims
  processed, (81-8,226, R.R. Supp. 1981) 685
State Athletic Commission,
  annual report 75
Thurston County Sheriffs Dept.,
  break down of duties 446
Uniform and Model Acts,
  (49-904), report 76
University of Nebraska Classification and
  Pay Plan for Managerial and Professional
  Positions, (LB 560 - 1981) 396
University of Nebraska, letter (LB 560) 76

RESOLUTIONS

197 Designate September, 1982 as Nebraska Reading Month (Koch) 106, 231, 268

198 Board of Educational Lands and Funds, constitutional amendment for costs of administration. (Warner) Constitutional Rev. and Rec. 107, 160, 387, 755

199 Support economic sanctions against Poland and Soviet Union. (Fowler, Labedz) 108, 164, 188, 252, 319, 320, 375

200 Celebration of State Capitol, 50th anniversary, 1982. (L. Johnson) 108, 231, 268

201 Congratulate 1981 University of Nebr. football team and coaches. (Wagner et al) 109, 165, 188, 214

202 Norden Dam Project. (DeCamp) Public Works .. 127, 128, 254, 464, 1803

203 Pay tribute to Dr. Martin Luther King on January 15, 1982. (Landis, Chambers, Newell) 152, 231, 268
204 Congratulate Verlyne Dannehl, Nebraska Pork Queen. (Vickers, Barrett) 232, 287, 306
205 Acquisition of land along the Missouri River by state of Iowa and possible breach of the Iowa-Nebraska Boundary Compact of 1943. (Carsten, Remmers).................. 260, 287, 306
206 Impose economic sanctions against South Africa. (Chambers).. .... 267, 318, 325, 326, 375
207 Request federal government to reaffirm through its budget appropriation its obligation for education of military dependents and American Indians. (Koch et al) ... 298, 326, 375
208 Review recent events at Nebr. Penal Complex. (Fowler, V. Johnson, Chambers) 402, 447
209 Designate Interstate 480 as the Gerald R. Ford Expressway. (Haberman et al) 402, 448, 487
210 Encourage congressional delegation to support extension of current Voting Rights Act of 1965. (Newell et al) .. 482, 557, 563
211 Proclaim week of March 7, 1982 as "Women's History Week." (Beutler, Marsh) 497, 744, 792
212 Opposition to deregulation of natural gas as proposed by Federal Energy Regulatory Committee. (DeCamp et al) Public Works 510, 558, 828, 1152, 1935, 1936, 1937, 1978
213 Gratitude to Henry Fonda and commendation to Playhouse for enriching the cultural life of Nebraskans. (Landis, Hoagland) 513, 558, 563
214 Guarantee that North Freeway be funded by State of Nebraska. (Chambers) 537, 605, 606
215 Legislature recommends maximum General Fund appropriation of $758 million for 1982-83 and $811.1 million for 1983-84. (Appropriations Committee) .. 553, 554, 555, 604, 851, 854, 886
216 Study committee to examine issue of Panhandle joining State of Wyoming. (Cullan) 575, 686
217 Proclaim week of February 7, 1982 as Vocational Education Week in Nebraska. (Koch) 576, 609, 611, 615
218 Urge Congress to repeal Federal Reserve Act and restore the gold standard. (H. Peterson, Hefner) ... 576, 609, 612, 622, 639
219 Oppose transfer of cartographic office of U. S. Soil and Conservation Service from Lincoln to Fort Worth, Texas. (Lamb, Fowler, Wesely) 637, 676, 686, 717

220 Designate Friday, February 12, 1982 as Hospitalized Veterans Day. (DeCamp et al) 653, 676, 717
221 Opposition of closing National Weather Service stations in Valentine and Lincoln. (Fowler, Lamb, Wesely, Marsh) ...679, 686, 717
222 Construction not started if federal funds are insufficient to complete North Freeway. (Chambers) 686, 934
223 Retail purchase of alcoholic beverages on credit. (Newell) Miscellaneous Subjects 719, 1803, 1948
224 Honoring Johnny Carson. (Labedz et al)..........732, 759, 792
225 Allow commission to aid Hispanic citizens in Scottsbluff. (Nichol) 771
226 Improve older Hispanic's knowledge of and participation in service programs. (Nichol) 772
227 Commend College of Business Administration and its students. (Marsh) 773, 933, 1003
228 Safeway Stores reconsider closing stores in eastern and central Nebraska. (Labedz, Wiitala, Kilgarin)..........803, 933, 1003
229 Urge Congress to defer tax cut until federal deficit has been reduced. (Fowler et al) 822, 1203, 1204
230 Designate week of March 7 through 13, 1982 as Girl Scout Week in Nebraska. (Wesely) 867, 1004, 1034
231 Observe week of March 14 through March 20, 1982 as Older Worker Week. (Rumery)...............................911, 1036, 1114
232 Sympathy to Mr. Burbach's family. (Carsten, Hefner, Schmit et al) 917, 918, 933
233 Urge State of Nebraska to align itself with group of states and join Central Interstate Group for proper management of low level radioactive waste. (Schmit)..........941, 986, 1036, 1114
234 Week of April 26 as Forgotten Victims Week in Nebraska. (Goodrich)..............................942, 1037, 1114
235 Voting structure of Public Power systems in Nebraska. (Kremer, Vickers) Public Works 950, 1803, 1949
236 Urge Governor Thone to call an emergency meeting of State Board of Equalization for purpose of adjusting tax rates. (Fowler, Beutler, Burrows) 951, 1205
237 Establish special legislative investigative committee to study the entire area of bid rigging. (DeCamp, Chambers) Public Works 962, 1040, 1045, 1114, 2023

238 Honor Superintendent Owen Knutzen. (Koch, Newell, Goodrich) 982, 1037, 1114

239 Honor Superintendent John Prasch. (Koch, Marsh) . . 983, 1040, 1114

240 New decreased target figure for state budget. (DeCamp et al) 996, 997, 1027, 1206

241 Financial assistance to students attending institutions of higher education. (Cullan, Koch) Education.......... 1018, 1803, 1947

242 Congratulate Humboldt girls basketball team for winning Class D championship. (Remmers, Carsten)........ 1038, 1330, 1367

243 Recognize Nebr. State Student Association as concerned student organization. (Koch, Newell) 1039, 1153, 1248

244 Construction of North Freeway should begin despite no guarantee of sufficient funds. (Chambers).......... 1050, 1937

245 Congratulate Kearney girls basketball team for winning Class A championship. (Cope et al) 1079, 1331, 1367

246 Congratulate Grand Island Northwest girls basketball team for winning Class B championship. (Cope et al) . . . 1080, 1331, 1367

247 Congratulate Elkhorn Valley girls basketball team for winning Class C championship. (R. Peterson, DeCamp) 1105, 1331, 1367

248 Study by Administrative Rules Committee into feasibility of employing an independent hearing examiners system for NE state agencies. (Administrative Rules and Regulations Review) Administrative Rules and Regulations Review . 1149, 1803, 1946

249 Congratulate Grand Island for being designated All American City for 1981-82. (Wagner, H. Peterson, Cope, Kremer) . . 1150, 1209, 1258, 1277

250 Designate March 18, 1982 as Agriculture Day in Nebraska. (Schmit et al) 1172, 1259, 1277

251 Congratulate Northeast boys basketball team for winning Class A championship. (Wesely).................. 1176, 1331, 1367

252 Congratulate Gretna boys basketball team for winning Class B championship. (Beyer) 1181, 1331, 1367

253 Study of the impact on the tax base of political subdivisions and the tax burden of remaining property owners when private property is removed from tax rolls. (Vickers, Barrett) Revenue 1231, 1803, 1949

254 Honor Dr. Anne Campbell for years of dedicated service in education in Nebraska. (Koch et al) 1238, 1331, 1367

255 Theft of electricity, gas and water. (Schmit) Judiciary 1262, 1803

256 Protest designation of man made dams as point systems of pollution and urge appeal of decision of federal district court of D.C. in case of National Wildlife Federation vs. U. S.

Environmental Protection Agency. (Nichol et al) . . . 1280, 1395, 1461

257 Acknowledge dedicated service of Dr. Lyle E. Seymour, president of Wayne State College. (Von Minden et al) 1309, 1395, 1461

258 Urge President not to disband railroad retirement field service system. (Cullan, Wesely, Rumery) 1322, 1395, 1461

259 Congratulate Grant boys basketball team for winning Class C championship. (Haberman). 1343, 1395, 1461

260 Congratulate Hordville boys basketball team for winning Class D championship. (Kremer) 1348, 1396, 1461

261 Extend legislative session by five days. (Beutler, Koch). . . . 1351, 1362, 1364

262 Study provisions relating to taxation of personal property. (Wagner, Sieck). 1353, 1638

263 Study current issues and concerns within liquor control in NE. (Hefner, et al) Miscellaneous Subjects . . . 1356, 1364, 1803, 1948

264 Review NE Political Accountability and Disclosure Act. (Hefner et al) Miscellaneous Subjects 1357, 1803, 1948

265 Examine issues or potential problems in NE bingo laws and how state lotteries and gambling laws relate thereto. (Hefner et al) Miscellaneous Subjects. 1358, 1803, 1948

266 Urge President Reagan to reconsider financial aid reductions for higher education. (Carsten et al) 1387, 1938, 1978

267 Expedite construction and completion of O'Neill Unit Reclamation Project. (DeCamp) 1392, 1939

268 Rules of Legislature shall be applied to each member in a uniform, impartial manner. (Chambers). 1403, 1939, 1978

269 Federal Reserve Board lower rates of interest charged by lending institutions. (Burrows, Landis) 1406, 1939, 1978

270 Exclude McKelvie Forest from Public Land Order 6220 to prevent mining. (Newell). 1424, 1939

271 Urge Commission on Aging to release state and federal funds which they have impounded. (Kilgarin et al) 1443, 1940

272 Honor Superintendent E. Lee Todd for dedicated service at Perkins County High School. (Koch, Haberman) . . . 1473, 1940, 1978

273 Study whether passage of legislation reducing or eliminating limitations on interest rates, etc. will encourage out-of-state banks to move into NE. (Hoagland) Banking, Commerce and Insurance 1473, 1803, 1947

274 Honor Jewel J. Piper for dedicated service at Northeast Technical Community College in Norfolk. (DeCamp) 1474, 1940, 1978

275 Study of ongoing State Water Planning and Review Process. (Beutler, Vickers) Public Works 1475, 1804, 1847, 1948

276 Constitutional amendment on minimum number of legislative days of Legislature. (Koch, Haberman, DeCamp) 1481

277 Enforce personal property tax laws on business equipment located at Offutt Air Force Base. (DeCamp, Koch).. 1489, 1940, 1978

278 Proclaim week of September 19 through 25, 1982 as Nebr. Prairie Appreciation Week. (Sieck, Landis, Vickers) 1491, 1940, 1978

279 Federal government provide the $368 million designated for the O'Neill/Unit Norden Dam project. (Wesely) 1498, 1940

280 Evaluation of Nebraska's present method for selecting judges. (Beyer) Judiciary 1507, 1804

281 Congratulate Virginia Sitorius for Mother of the Year. (Barrett, Vickers) 1531, 1941

282 Study issues regarding NE Teachers Professional Negotiation Act. (Koch) Education 1534, 1804, 1947

283 Study current situation re education programs for pre-kindergarten children. (Koch) Education .. 1534, 1804, 1947

284 Study issues in LB 638 which proposed a NE Library Services Act. (Koch) Miscellaneous Subjects 1535, 1804, 1948

285 Study of the victim compensation law. (Sieck et al) Judiciary 1557, 1804, 1948

286 Study of method used for determining in lieu of tax money payments on school lands. (Koch) Education .. 1558, 1804, 1947

287 Congratulate Chris Moranville on Young Mother of the Year. (Nichol) 1559, 1941, 1978

288 Study of certain aspects of population-based system under which municipalities in NE are classified. (Landis) Urban Affairs 1559, 1804, 1949

289 Study of minimum qualifications for elected government office holders in NE. (Landis) Constitutional Revision and Recreation 1560, 1804, 1947

290 Study of existing conflict of interest statutes applicable to local subdivisions, with intent of recodifying those laws. (Landis) Urban Affairs 1560, 1804, 1949

291 Study effects pending federal legislation on deregulation of phone companies. (Clark) Telecommunications 1563, 1804, 1950

292 Extend appreciation to Mr. Cliff Hillegass for donating series of six John Falter prints on the occasion of the Golden Anniversary of the State Capitol. (Barrett, Remmers, Lamb) 1585, 1942, 1978

293 Congratulate University of Nebraska Forensic Team. (Higgins, Labedz) 1610, 1942, 1978

294 Appointment of Public Service Commissioners. (Constitutional Revision and Recreation) Constitutional Revision and Recreation 1611, 1804, 1947

295 Observation of Unknown Indian Day on May 30, 1982. (Rumery et al) 1611, 1942, 1943, 1944, 1978

296 Investigate policies, etc. of Department of Welfare in its actions as guardian of children. (Wiitala, DeCamp) Public Health and Welfare 1623, 1804, 1948

297 Study of wrongful births legal action. (Labedz) Constitutional Revision and Recreation 1623, 1804, 1947

298 Convey to Speaker Marvel sincere wish for speedy recuperation and return to the Legislature. (Kremer et al) ... 1624, 1943, 1978

299 Issues raised by LB 746, and other means of promoting efficiency and productivity among state employees. (Kahle) Government, Military and Veterans Affairs 1627, 1804

300 Study of the impact on government subdivisions of tax exempt school lands located within their jurisdiction. (Kahle) Government, Military and Veterans Affairs ... 1628, 1804, 1948

301 Study of LB 624 concerning use, access, and disclosure of information within the control of state government. (Kahle) Government, Military and Veterans Affairs ... 1628, 1804, 1948

302 Study of vehicle mounted systems to deter drunk driving. (Kahle) Public Works 1629, 1804, 1949

303 Study of the methods of financing political campaigns in NE and alternatives to those methods. (Kahle) Miscellaneous Subjects 1629, 1804, 1948

304 Congratulate Ord Quiz newspaper on its centennial anniversary. (Wagner) 1634, 1943, 1978

305 Study adequacy and constitutional provisions of the current Dental Practice Act, especially those sections dealing with "other dental auxiliaries." (Fowler) Public Health and Welfare. 1635, 1805, 1948

306 Study of rationale for LB 567 to determine if intent was that parole violators whose parole is revoked should be eligible to accrue good time during the "new" prison term. (Fowler) Judiciary 1635, 1805

307 Study of the issue of nuclear waste transportation from Cooper Nuclear Station. (Fowler) Agriculture and Environment . . 1636, 1805, 1946

308 Study and recommend changes in procedure for estimating General Fund revenues for the State of NE. (Fowler) Revenue 1637, 1805

309 Urge President Reagan to reconsider cuts to the Great Plains Conservation Program. (Fowler) 1637

310 Examine current issues concerning NE Workmen's Compensation Law. (Kilgarin) Business and Labor . 1643, 1805, 1947

311 Examine current issues concerning resolution of public employment disputes in the NE Commission of Industrial Relations. (Business and Labor) Business and Labor 1643, 1805, 1947

312 Examine current issues concerning NE Unemployment Insurance Law. (Business and Labor) Business and Labor . 1644, 1805, 1947

313 Congratulate UN Women's Track and Field Team on winning 1982 NCAA Women's Indoor Track and Field Championship. (Marsh, Vickers) 1644, 1943, 1978

314 Study of methods of increasing state aid and revenue sharing to local governments for purpose of providing property tax relief. (Revenue) Revenue 1650, 1805, 1949

315 Study of feasibility and desirability of dedicating receipts from state sales and use tax for state aid and revenue sharing programs. (Revenue) Revenue. 1650, 1805, 1949

316 Congratulate University of Nebraska men's gymnastics team for winning their fourth NCAA championship. (Koch, Kilgarin, Wesely). 1669, 1943, 1978

317 Review of statutes and policies pertaining to funding mechanisms as possible financial alternatives to funding of three legal service organizations in NE by federal Legal Services Corporation. (Kahle et al) Government, Military and Veterans Affairs. 1670, 1805, 1948

318 Study of flow of major money sources; effect of such major money flow on state's agricultural, financial, business economic sectors; etc. (Banking, Commerce and Insurance) Banking, Commerce and Insurance 1681, 1805, 1947

319 NE statutes and free market system. (Banking, Commerce and Insurance) Banking, Commerce and Insurance. 1682, 1805, 1947

320 Review of adequacy of state's insurance laws and regulations. (Banking, Commerce and Insurance) Banking, Commerce and Insurance 1683, 1805, 1947

321 Feasibility of establishing separate Repeat Offender's Court in NE for prosecuting repeat felons. (Haberman) Judiciary . . 1684, 1805

322 Study of possibility of allowing Governor or appropriate state agency director to declare an emergency and allow higher load limits for trucks transporting crops to processing plants. (Haberman) Agriculture and Environment 1684, 1805, 1946

323 Study of corporate chain ownership of nursing homes in NE. (Haberman) Public, Health and Welfare 1685, 1806

324 Study feasibility of requiring criminal offenders to pay for expense of their incarceration. (Haberman) Judiciary. 1685, 1806, 1948

325 Study of LR 218, repeal of Federal Reserve Act and restore gold standard. (Banking, Commerce and Insurance) Banking, Commerce and Insurance 1686, 1806, 1947

326 Study of Air Force plans for MX deployment, etc. (Clark) Executive Board. 1686, 1806, 1950

327 Examine effectiveness of drunk driving legislation passed by Legislature this session. (Hoagland) Judiciary 1688, 1806

328 Study findings and recommendations of studies completed to date in the State Water Planning and Review Process. (Hoagland) Public Works 1689, 1806, 1948

329 Study management, supervision and utilization of personnel and vehicles of Department of Roads and operation of the Transportation Services Bureau in its purchase of fuel and utilization of vehicles. (Beyer, R. Peterson) Government, Military and Veterans Affairs 1689, 1806, 1948

330 Discovery and development of NE's geothermal resources. (Nichol) Public Works. 1690, 1806, 1948

331 Observe May 16 through May 22, 1982 as Transportation Week. (Beyer) 1693, 1943, 1978

332 Study of funding of regional community based mental retardation services and of private and non-regional community services. (Sieck, Hefner) Appropriations. 1693, 1806, 1947

333 Study philosophy and intent related to role and mission for the Nebraska Common Schools. (Koch) Education 1696, 1806, 1947

334 Study alternatives for funding water projects. (Schmit, Kremer) Public Works 1696, 1806, 1948

335 Study various aspects of retirement plans for public employees of state and subdivisions. (Fowler et al) Nebraska Retirement Systems 1697, 1806, 1950

336 Study all elements of the regulations of various health care professions and occupations. (Public Health and Welfare) Public Health and Welfare 1701, 1806, 1948

337 Study of costs and benefits of medical and hospital care in NE. (Public Health and Welare) Public Health and Welfare . . . 1702, 1806, 1948

338 Study issuance of tax-exempt bonds to bring capital into state to invest in a variety of projects. (Wesely, Chambers) Banking, Commerce and Insurance 1703, 1806, 1947

339 Study of potential tax incentives to increase jobs in the state. (Wesely) Revenue 1703, 1806, 1949

340 Study of whether banks in NE should be allowed to engage in real estate brokerage, real property management, and real estate development, syndication, and appraisal. (Kilgarin, DeCamp) Banking, Commerce and Insurance 1709, 1806, 1947

341 Consider the development of standards for the use of cameras in NE courtrooms. (Judiciary) Judiciary 1710, 1807

342 Study to evaluate the crime victims' reparation process and explore alternative funding mechanisms. (Judiciary) Judiciary. 1710, 1807, 1948

343 Study of all aspects of the use of wiretapping. (Judiciary) Judiciary 1711, 1807

344 Utilize the legislative public hearing process to evaluate various proposals for changes in criminal procedure offered by the NE County Attorneys Association, etc. (Judiciary) Judiciary . 1711, 1807, 1948

345 Coordinate efforts being made by Judiciary Committee and various NE Bar Association and Supreme Court Drafting Committees with regard to problem areas in our law governing civil procedure. (Judiciary) Judiciary 1712, 1807, 1948

346 Study public involvement in Legislative process. (Wesely) Rules 1712, 1807, 1949

347 Examine the need for various tax exemptions and tax expenditures in NE. (Wesely) Revenue 1713, 1807, 1949

348 Study the level of unfunded liabilities for various pension plans for municipal employees in NE cities. (Wesely) Nebraska Retirement Systems 1713, 1807, 1950

349 Study effects of the Reagan administration tax proposals in NE. (Fowler) Appropriations 1714, 1807, 1947

350 Study to examine the effects of the elimination of state and local subdivision grants on the state. (Fowler) Appropriations . . 1715, 1807, 1947

351 Study effect of reduction of Environmental Protection Agency Construction Grants on the state. (Fowler) Appropriations 1715, 1807, 1947

352 Study effects of proposed federal budget reductions in direct loans on the State of NE. (Fowler) Appropriations . . 1716, 1807, 1947

353 Study effects of proposed federal budget cuts in federal direct grants to NE and subdivisions, specifically reductions of grants in elementary, secondary and vocational education. (Fowler) Appropriations 1716, 1807, 1947

354 Effects of proposed federal budget cuts in federal direct grants to NE and local subdivisions, specifically reductions in highway grants and the Urban Mass Transportation Fund. (Fowler) Appropriations 1717, 1807, 1947

355 Study effects of proposed federal budget reductions in federal direct grants to NE and local subdivisions, specifically reductions and eventual elimination of Energy Conservation Grants. (Fowler) Appropriations 1717, 1807, 1947

356 Study effects of proposed federal budget reductions on food stamps and aid for families with dependent children (AFDC) programs in NE. (Fowler) Appropriations 1718, 1807, 1947

357 Study effects of the proposed budget cuts in the Medicaid program on NE. (Fowler) Appropriations. 1718, 1808, 1947

358 Study methods of involving interested Nebraskans and members of the Legislature in the development of solutions to our energy problem. (Wesely et al) Public Works 1719, 1808, 1949

359 Commend and Plant Two Trees Program and urge Nebraskans to take part in program to replace Nebraska's lost trees. (Hoagland, Duda, Carsten) 1720, 1943, 1978

360 Study of the scope of services that SIDs may appropriately be permitted to offer their residents. (Wiitala, Landis, Beyer) Urban Affairs 1722, 1808, 1949

361 Study on what is necessary to put prisoners to work and cut the cost of maintenance of prison system. (DeCamp) Judiciary 1723, 1808, 1948

362 To examine establishment of uniform licensing, taxes, and weight/size restrictions for all highway freight carrying vehicles. (Wesely, Cullan) Public Works 1727, 1808, 1949

363 Examine effects of longer, heavier trucks, including overweight and triple trailer trucks on safety, road damage, fuel efficiency. (Cullan, Wesely) Public Works 1728, 1808, 1949

364 Study quality of education offered to UN as it relates to funding. (Fowler) Appropriations 1729, 1808, 1947

365 Study feasibility of developing waste rubber processing plant in NE. (Wesely) Public Works.................1730, 1808, 1949

366 Study feasibility of providing authority for NE Public Service Commission to regulate natural gas rates and service. (Landis et al) Public Works..........................1730, 1808, 1949

367 Give guidance to Agriculture Committee in interim activities when dealing with issues of crucial importance to agriculture in NE. (Agriculture and Environment) Agriculture and Environment 1736, 1808, 1946

368 Protection owners of grain stored in public storage facilities. (Agriculture and Environment) Agriculture and Environment 1737, 1808, 1946

369 Provide for review of matters leading to and possibly supporting introduction in next session of legislation authorizing NE to enter into compact with midwest region states relative to low level radioactive waste disposal facility. (Agriculture and Environment) Agriculture and Environment 1738, 1808, 1946

370 Examine financial and tax problems confronting horse racing industry. (Agriculture and Environment) Miscellaneous Subjects 1738, 1808, 1948

371 Study laws regulating investment of money placed in various pension funds in NE. (Schmit et al) Banking, Commerce and Insurance.................................1739, 1808, 1947

372 Study legislative rules, including use of time, priority bills process, germaneness, interim studies, etc. (Wesely et al) Rules 1740, 1808, 1949

373 Study with NE Commission on Status of Women to acquire deeper understanding of demographics of NE. (Wiitala et al) Business and Labor........................1740, 1808, 1947

374 Study to examine issues related to containment of rising health care costs. (DeCamp, Wesely, Schmit) Banking, Commerce and Insurance.................................1741, 1809, 1947

375 Containment of cost care. (Schmit et al) Banking, Commerce and Insurance.................................1742, 1809, 1947

376 Nebraska's higher education system, and the most effective use of tax dollars for higher education. (Wesely) Appropriations ... .1744, 1809, 1947

377 Study possibility of establishing a research liaison with UN to supplement research capabilities of legislative staff. (Wesely) Executive Board 1745, 1809, 1950

378 Study of problems associated with small power producers and cogenerators and their integration into Nebraskans electrical grid system. (Wesely) Public Works 1745, 1809, 1949

379 Examine functioning of the Municipal Power Pool and the Municipal Energy Agency of NE. (Warner et al) Executive Board 1752, 1809, 1949

380 Recognize dedication and contributions of teachers in Nebraska. (Pirsch et al) 1832, 1943, 1978

381 Approval of collective bargaining contracts with state employees. (Business and Labor) 1863, 1943, 2023

382 Congratulate Plattsmouth High School Band. (Carsten, Fowler) 1907, 2022

383 Designate April 18-25, 1982 as Nuclear Awareness Week. (Wesely) 1908, 2022

384 Encourage alcoholic beverage industry to place warning labels on containers. (Wesely) 1909

385 Congratulate Nebraska gymnastics team and coaches. (Kilgarin, Newell) 1942, 2022

386 Urge Soviet Union to cease harassment of Jews and permit Ida Nudel the right to depart from Israel. (Hoagland)... 1944, 1951, 2023

387 Honoring retiring senators for their dedicated service. (Apking et al) 1971, 2022

388 Sympathy to Benjamin Wall family. (Cullan) 1973, 2022

389 Declare week of September 6, 1982 as Pedestrian Awareness Week. (Wesely) 1974, 2022

RULES, AMENDMENTS, MOTIONS

Adopt permanent rules 100, 140
Adopt temporary rules 39, 133
Rule 1, Sec. 1, vacancies............................ 133
Rule 1, Sec. 14, Lieutenant Governor voting when 119
Rule 2, Sec. 1, rules, matters not covered 139
Rule 2, Sec. 2, suspension of rules 114
Rule 2, Sec. 5, explanation of votes 101
Rule 3, Sec. 1, model committee rules 115
Rule 3, Sec. 2, appointment of committees 1909
Rule 3, Sec. 17, committee statements................. 102
Rule 5, Sec. 5, bill limits.................. 120, 121, 122
Rule 5, Sec. 6, fiscal notes and A bills 119
Rule 5, Sec. 6, priority bills.......... 119, 839, 887, 1605
Rule 6, Sec. 8(c), return for emergency clause 101
Rule 6, Sec. 12, vetoes not acted upon........... 451, 592

Rule 7, Sec. 2, in chamber to vote....................101
Rule 7(C), Sec. 3, motions to indefinitely postpone 119
Rule 7, Sec. 3(d), germaneness.........................123
Rule 7, new Sec. 5, new cloture rule...................113
Rule 7, Sec. 7, limit motions to reconsider 100, 139
Rule 7, Sec. 9, majority to adjourn....................101
Rule 7, new Sec. 10, debate limitation, cloture..421, 592, 1001
Rule 8, appropriations process 128, 136, 161

RULINGS OF THE CHAIR
Division of question........134, 342, 481, 944, 980, 1061, 1062, 1144, 1239, 1245, 1358, 1485, 1849
Germane amendments....769, 868, 1055, 1097, 1239, 1455, 1456, 1481, 1485, 1488, 1656, 1657, 1662, 1663, 1664, 1678, 1679, 1814, 1834, 1848, 1849, 1879, 1891, 1892
Motions in order.....................................1441
Number of votes required................1119, 1970, 1979
Point of order.......................................1481

SECRETARY OF STATE
Appointment, Frederick A. Gottschalk 332, 387, 411, 434, 508, 816, 932
Letters and certificates on bills
LB 376..374
LB 412..2032, 2033
LB 488..2033, 2034
LB 754..2028, 2029
LB 761..2027, 2028
LB 816A...2034, 2035
Roster of members, 2nd session..........................39

SESSION LAWS
Printing, distribution................................2023

SPEAKER OF THE LEGISLATURE
Announcement, unlimited number of bills 141
Calendar...142
Letter..1621
Special order 118, 273, 370, 478, 589, 622, 667, 753, 756, 845

VISITORS, FOREIGN
Bangladesh..1349
China..824

Denmark 1023
France 1208
Germany 1022, 1735
Ivory Coast 808
Mexico 1033
Sweden 1389
Tanzania 1349
Tunisia 1041
Uganda 1349
Yugoslavia 1349

LEGISLATIVE JOURNAL

NEBRASKA UNICAMERAL

EIGHTY-SEVENTH LEGISLATURE

SECOND SESSION

SUBJECT

Index

to

Legislative Bills

This index includes bills 563 through 971 inclusive with all bills carried over from the Eighty-Seventh Legislature, First Session. Constitutional amendments are identified by a C.A. after the subject line.

Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Gloria Peterson, Index Clerk

LB 657 was introduced by Fenger, Higgins, Apking, Kahle, Kremer, Carsten, Vickers, Duda, Goll, Schmit, Nichol, Rumery, Pirsch, Labedz, Haberman, Clark, DeCamp, Beyer, L. Johnson, Remmers, Von Minden, H. Peterson, Chronister.

LB 954 was introduced by Higgins, Labedz, Haberman, Wagner, Fenger, DeCamp, Lamb, Sieck, R. Peterson, Cullan, Schmit, Kahle, Kremer, Dworak, Hefner, Beyer.

STATE OF NEBRASKA
LEGISLATURE
1982 BILLS INTRODUCED SUBJECT INDEX

LB

ABORTION
Provide requirements for abortion procedures(DeCamp).......... 620
Repeal restriction on insurance(Fowler)...................... 595

ABSTRACTORS
Board of Examiners, appropriation, agency expense (Marvel, Req. of Gov.)..................................... 761

ABUSE
Adult Protective Services Act(Marsh)......................... 335
Child abuse, penalty increase(Law Enf. Comm.)................. 347
Child Care and Development Services Act, adoption of (V. Johnson)... 520
Appropriation bill 520A
Incompetent or disabled person, penalty increase (Law Enf. Comm.)... 347

ACCOUNTANTS
Nebraska State Board of Public Accountancy, appropriation, agency expense(Marvel, Req. of Gov.)........................ 761
Require public auditor and deputy public auditor to be certified, provide state Board of Acctg. with certain powers (Beutler, Chronister, Higgins)....................................... 882

ADMINISTRATIVE DEPARTMENTS, STATE
Disability compensation increase for certain employees injured in the line of duty(Burrows)........................ 615
Employees and public officials, encourage disclosure of information concerning state government(Landis, Wesely)...... 746
Fire Marshal, permit to delegate authority to political subdivisions(Nichol)... 711
Military Department, transfer federal surplus property program to Department of Correctional Services(Schmit).................. 767
Appropriation bill 767A
Ombudsman for Corrections, establish position(Schmit)......... 674
Open burning ban, establish(Beyer, Duda)..................... 790
Per diem payments, certain state bodies, eliminate (Appro. Comm.)... 935
Public employees, accumulated sick leave, credit to retirement account(Newell)... 912
Public Institutions, Department of, rename as Dept. of Community and Residential Services (Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck).................................... 442
Real Estate Commission, allow trust account deposits in building and loan associations(L. Johnson)................... 826
Appropriation bill 826A
State Electrical Act, change provisions relating to electrical license renewal(Koch)............................ 605
State Electrical Division, establishing(Goodrich)............. 490
Task Force for Building Renewal, continue (Cope, Rumery, Fowler)...................................... 604
Appropriation bill 604A

ADMINISTRATIVE SERVICES, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Revisor of Regulations, reports(Admin. Rules Comm.)........... 97
State Building Advisory Committee, eliminate (Perf. Rev. Comm.)... 934

ADULT PROTECTIVE SERVICES ACT
Adoption of(Marsh)... 335

LB

AERONAUTICS
Aircraft, motor fuel, taxation of(Hefner, Fowler)............ 169

AERONAUTICS, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Control of aircraft owned or leased by the State of Nebraska (Clark).. 744

AFFIRMATIVE ACTION
Affirmative Action Committee, eliminate(Perf. Rev. Comm.)..... 934

AGED AND AGING (See also Senior Citizens)
Adult Protective Services Act(Marsh)......................... 335
Community Aging Services Act, Nebraska (Fowler, Maresh, Wesely, DeCamp, Rumery, Marvel)............................. 404
    Appropriation bill 404A
Incapacitated persons, appointment of guardian(V. Johnson).... 428
Medical assistance, provisions(Appro. Comm.).................. 932
Medicare recipients, limit excess professional fees(Burrows).. 906
Senior nutrition programs, receive first priority of federal block grant funds(Cullan).................................. 884
Transportation of elderly, increase fares(Appro. Comm.)....... 942

AGING, COMMISSION ON
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Community Aging Services Act, Nebraska (Fowler, Maresh, Wesely, DeCamp, Rumery, Marvel)............................. 404
    Appropriation bill 404A

AGRICULTURAL ACTIVITIES
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

AGRICULTURAL BARGAINING ACT
Adoption of(Nichol)... 861

AGRICULTURE (See also Farms and Farming)
Agricultural Bargaining Act(Nichol).......................... 861
Agricultural Products Marketing Cash Fund, Nebraska, creating (Appro. Comm.)... 942
Commercial fertilizer and soil conditioner, inspection fee change(Appro. Comm.).................................. 966
Conservation Corporation Act, provisions change(Schmit)....... 713
Director of, remove from Ne. Wheat Development, Utilization and Marketing Board(Schmit).................................... 786
Fees, miscellaneous, change(Appro. Comm.)..................... 966
Flood plain management, procedures(H. Peterson)............... 608
Flood plain management, provide(Wagner)....................... 955
Horse racing, taxing provisions, change (Von Minden, Hefner, Goll)................................. 631
Horses, Nebraska-bred, designation of official registrar (Beyer)... 839
Land zoned as agricultural, restrict use (Greenbelt law) (Newell)... 412
Natural Resources Commission, change membership composition (Wagner)... 885
Nebraska Foreign Export Market and Port Development Act (DeCamp).. 619
Noxious weed control hearings, protest of charges, hold hearings in county where property is located(Lamb)........... 697
Nurserymen, fee increase(Appro. Comm.)........................ 928
Restrict use of land zoned as agricultural (Greenbelt Law) (Warner).. 743

LB

Soil and water conservation benefits, projects providing (Pub. Works Comm.) 148
Soil erosion, regulations for control(Kahle) 149
State Building Advisory Commission, eliminate (Perf. Rev. Comm.) 934
Water Conservation Act, Nebraska, change requirements for eligible projects(Pub. Works Comm.) 848
Weather Modification Commission, eliminate (Schmit, Req. of Gov.) 542
Wheat, determination of minimum price, Ne. Wheat Development, Utilization, and Marketing Board(Schmit) 893

AGRICULTURE, DEPARTMENT OF
Agricultural Bargaining Act(Nichol) 861
Appropriation, agency expense(Marvel, Req. of Gov.) 761
Nebraska Pure Food Act(Ag. & Env. Comm.) 547
Pseudorabies Control Act(Ag. & Env. Comm.) 36
  Appropriation bill 36A
Weather Modification Commission, acquire duties of (Schmit, Req. of Gov.) 542

AGRICULTURE, DIRECTOR OF
Nebraska Pure Food Act(Ag. & Env. Comm.) 547
Predator control aide, fee for services(Appro. Comm.) 966
Pseudorabies Control Act(Ag. & Env. Comm.) 36
  Appropriation bill 36A
Wheat Development, Utilization and Marketing Board, remove Director(Schmit) 786

AGRICULTURE, STATE BOARD OF
Appropriation, agency expense(Marvel, Req. of Gov.) 761

AID TO DEPENDENT CHILDREN
Child support payments, delinquent, collection fee (Nichol, Cullan) 834
Collection of delinquent child support payments (Hoagland, Marsh) 940
Medical assistance payments, provisions change(Cullan) 883
Medical assistance, provisions(Appro. Comm.) 932
Payments for unborn children, remove authorization (Pirsch, Stoney, Von Minden, Hefner) 684
Payments, determination of eligibility(Appro. Comm.) 942

AIRCRAFT
Aircraft owned or leased by the State of Nebraska, put under control of the Department of Aeronautics(Clark) 744
Fuel, taxation of(Hefner, Fowler) 169

ALCOHOLIC LIQUORS (See also Liquor)
Beer, allow retail liquor licensees to sell in certain areas (Newell) 888
Driving under the influence of alcohol or drugs, change provisions relating to revocation of operators' licenses (Vickers, Sieck) 747
Driving under the influence of alcohol or drugs, penalty for persons involved in an accident(Haberman, Hoagland) 733
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland) 568
Driving under the influence of alcohol or drugs, penalty change (Stoney) 870
Driving under the influence of alcohol, consent to receive medically prescribed drug treatment(DeCamp) 618
License fee increase(Appro. Comm.) 928

LB

License renewal, use of written protest to Liquor Control Commission(Schmit) 838
License, provide an additional classification for off-sale beer and wine(Fenger) 616
Liquor licenses, prohibit where motor vehicle fuels are sold (Beyer) 791
Liquor licensing, granting and renewing, provision change (Misc. Subj. Comm.) 686
Manufacturers, prohibit from participating in coupon plans (Misc. Subj. Comm.) 900
Minimum penalty for purchase of liquor using false or altered identification(Stoney) 809
Minors, prohibit alteration of identification to purchase liquor (Stoney) 869
Retail licensee, allow to exceed credit limitation period (Remmers) 837
Samples, authorize distribution(Newell) 431

ALCOHOLISM (See also Intoxication)
Division of, rename as Division of Alcoholism and Drug Abuse (Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck) 442
State Alcoholism Advisory Committee, eliminate (Perf. Rev. Comm.) 934

AMBULANCES
Attendants, certificates of competency(Pub. Health Comm.) 830
Board of Ambulance Advisors, eliminate(Kahle, Req. of Gov.) 533
Board of Ambulance Advisors, eliminate(Perf. Rev. Comm.) 934
Emergency Medical Services, Board of, members (Kahle, Req. of Gov.) 533

ANIMALS
Cruelty to, provide penalties(Marsh) 858
Game animals killed on public highways, provide for disposition (Wagner) 588

APPEAL TRIBUNAL, NEBRASKA
Creating(Landis) 410

APPEALS
Appeal Tribunal, Ne., creating(Landis) 410
Criminal cases, allow prosecution to appeal sentence(Nichol) .. 402
Criminal cases, eliminate writ of error procedures (Law Enf. Comm.) 722
New trial, provide when motions are not necessary(Hoagland) ... 950
Supreme Court, increase fee(Appro. Comm.) 928

APPORTIONMENT
Change boundaries of the 14th and 34th legislative districts (Misc. Subj. Comm.) 685
District court judicial districts, define(Judiciary Comm.) 715
Judge, district court, Lancaster county, provide for additional judge(Marsh) 89
Appropriation bill 89A
Judicial districts, change(Beutler) 386
Political subdivisions, establish requirements (Misc. Subj. Comm.) 815

APPROPRIATIONS
Agencies, provide for shift of appropriations and make deficiency appropriations(Marvel, Req. of Gov.) 754
Appropriations for expenses of Nebraska state government (Marvel, Req. of Gov.) 761

LB

Capital construction projects(Marvel, Req. of Gov.)........... 164
Capital construction projects(Marvel, Req. of Gov.)........... 761
Claims against the state, payment(Bus. & Labor Comm.)......... 967
Legislative sessions, odd numbered years, provide, C.A. (Warner, Req. of Gov.).. 535
Legislature, members, salary appropriation (Marvel, Req. of Gov.).. 755
Morrill Hall, renovation of(Wesely, Remmers, Rumery).......... 632
Political subdivisions, new programs, require Legislature to appropriate funds, C.A.(Hefner)............................. 842
State agencies, expenses(Marvel, Req. of Gov.)................ 162
State government, officers of, provide for payment of salaries (Marvel, Req. of Gov.).. 756

ARCHITECTS
Board of Examiners for Professional Engineers and Architects, appropriation, agency expense (Marvel, Req. of Gov.).. 761
State Board of Landscape Architects, appropriation, agency expense(Marvel, Req. of Gov.).............................. 761

ARTS COUNCIL, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Relieve Board of Regents of certain duties pertaining to acquisition of art work(23 Senators).............................. 657

ASSISTANCE (See also State Aid)
County of legal settlement for services to mentally retarded, change definition(Von Minden).............................. 667
Create a cash fund, change provisions relating to audits, reimbursement provisions, matching funds, state aid to education (Appro. Comm.).. 942
Funeral payments, exclusion(Higgins).......................... 314
Medical assistance for blind, elderly, dependent children (Appro. Comm.).. 932
Medical assistance payments, provisions change(Cullan)........ 883
Medical services for the poor, require Department of Welfare to provide(Cullan)... 602
Appropriation bill 602A
Payments, procedure for determining(Pub. Health Comm.)........ 261
Political subdivisions, aid to, sales tax revenue funds (Warner, Koch).. 916
Political subdivisions, state aid, provisions (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner).............. 524
Property Tax Relief Fund, creating(Fowler).................... 822
Public, require counties to adopt written standards (V. Johnson)... 521
State aid to political subdivisions(Revenue Comm.)............ 816
Appropriation bill 816A
State aid to political subdivisions $70 million(DeCamp)... 898
State aid to political subdivisions(Schmit)................... 963

ATHLETIC COMMISSIONER, STATE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

ATTORNEY GENERAL
Actions against the state, provisions change(V. Johnson)...... 780
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Criminal cases, allow prosecution to appeal sentence(Nichol).. 402
Nebraska Boundary Commission, member of(Pub. Works Comm.)..... 669
Appropriation bill 669A
Provide additional duties(Admin. Rules Comm.)................. 97

LB

Revisor of Regulations, reports to(Admin. Rules Comm.)........ 97
Salary increase(Goodrich)................................... 488
    Appropriation bill 488A

ATTORNEYS
County Attorney Standards Advisory Council, eliminate (Perf. Rev. Comm.).. 934
County, inform felony crime victim of recommendations(Pirsch). 814
Expert witness fees, certain State actions (Maresh, Remmers, Vickers)................................ 192
Fees, actions against the state, authorize(V. Johnson)........ 780
Fees, foreclosure proceedings, authorize(Goodrich)............ 867
Fees, Political Subdivisions Tort Claims Act, authorize (Hoagland).. 340
Fees, State Claims Board, allow(Hoagland)..................... 341
Fees, unlawful employment practices, authorize(V. Johnson).... 843

AUDIOLOGY
License renewal, fee change(Pub. Health Comm.)................ 263

AUDITOR OF PUBLIC ACCOUNTS
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Duties change(Appro. Comm.)................................... 942
Eliminate as constitutional officer(Wesely, Warner)........... 769
Eliminate Auditor of Public Accounts, establish public auditor(Wesely, Warner).................................... 795
Political subdivisions, audit standards(Govt. Comm.).......... 444
Require auditor and deputy public auditor to be certified (Beutler,(Chronister, Higgins)............................. 882
Salary increase(Goodrich)..................................... 488
    Appropriation bill 488A

AUDITS
Annual municipal audits, provisions change(Vickers)........... 887
Trust funds, allow Department of Health to audit(Kremer)...... 606

BALLOTS
Recall petitions and ballots, require statement of grounds (Kahle).. 899

BANKING AND FINANCE, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Building and loan associations, branch, approval(Haberman).... 349
Installment loans, establish legislative intent(Clark)........ 941

BANKS AND BANKING
Auxiliary teller offices, remove a restriction(DeCamp)........ 626
Bids for bank services, require letting by State Treasurer, limit number of banks providing certain services to the state (Beutler, Wesely)... 770
Building and loan associations, branch established, approval (Haberman)... 349
Checks, require date account was opened to be printed on check (Goodrich)... 866
Common trust funds, provide fiduciaries with certain powers (Hoagland)... 951
Interest for certain escrow accounts, residential dwellings, provide(DeCamp).. 658
Interest rates, maximum, eliminate(DeCamp).................... 623
Loans and investments, change amount permitted(Banking Comm.). 779
Loans, provide for variable interest rates(Banking Comm.)..... 778
Multibank holding companies, authorization(DeCamp)............ 626
Personal loans, certain, provide for unequal payments (Banking Comm.).. 779

LB
Real estate loans, aggregate limitations(Banking Comm.)....... 779
Real estate transactions, real property management, prohibit (Kilgarin, DeCamp).. 918
State building and loan associations, provide same advantages as federal savings and loan associations(Goodrich)........... 646
State warrants, require cashing, payee account not required (Goodrich)... 961
Statewide branch banking, provide for(DeCamp)................ 621

BARBERS
Apprentice, certification of(Chambers)....................... 509
Barber Examiners, Board of, appropriation for agency expense (Marvel, Req. of Gov.).................................... 761

BEEF
Check off, Ne. Beef Industry Development Board (Schmit, Wagner, Lamb, Nichol, DeCamp, Remmers, Sieck, Kahle)......... 953
Appropriation bill 953A
Nebraska Beef Industry Development Act (Schmit, Wagner, Lamb, Nichol, DeCamp, Remmers, Sieck, Kahle)................. 953
Appropriation bill 953A

BEEF INDUSTRY DEVELOPMENT ACT, NEBRASKA
Adoption of (Schmit, Wagner, Lamb, Nichol, DeCamp, Remmers, Sieck, Kahle).................................... 953
Appropriation bill 953A

BEER (See also Liquor, Alcoholic Liquors)
Allow sale of within 150 feet of institution or facility (Newell)... 888
Provide for off-sale(Fenger)................................. 616

BEES
Bee husbandry, permit fee assessment(Appro. Comm.)........... 966

BIDS
Bank services, require State Treasurer to let bids (Beutler, Wesely)... 770
Contractors, highway, rules and regulations changes (Fowler, Hoagland).. 969
Public power districts, bid requirements, exemption (Wesely, Vickers)... 889

BINGO
Change certain playing card requirements and manner in which game is conducted(Labedz)............................ 808
Increase license fee(Appro. Comm.)........................... 928
Increase number of authorized events(Wiitala, Kilgarin)....... 643

BIRTHS
Birth certificates, amending(Nichol)......................... 802

BLIND
Medical assistance, provisions(Appro. Comm.)................. 932

BOARDS AND COMMISSIONS
Accounting, State Board of, provide certain powers (Beutler, Chronister, Higgins)...................................... 882
Ambulance Advisors, Board of, eliminate(Kahle, Req. of Gov.).. 533
Barber Examiners, Board of, reciprocal agreements for licensure (Chambers).. 509
Boundary Commission, Nebraska, establishment of (Pub. Works Comm.)... 669
Appropriation bill 669A

LB
Building Advisory Commission, State, eliminate (Perf. Rev. Comm.) 934
Dentistry, Board of Examiners in, provisions changes (Perf. Rev. Comm.) 923
Emergency Medical Care, Board of Advanced, eliminate (Kahle, Req. of Gov.) 533
Emergency Medical Services, Board of, creating (Kahle, Req. of Gov.) 533
Equalization and Assessment, State Board of, meetings, require public notice(Beutler) 304
Fire Prevention and Structural Safety Board, creating(Wesely). 456
Forensic Medical Examiner Advisory Board, creating (Landis, DeCamp, Fowler) 180
    Appropriation bill 180A
Foster Care Review Board, State, creating(DeCamp, Fenger) 714
    Appropriation bill 714A
Highway Commission, State, eliminate(Perf. Rev. Comm.) 934
Jail Standards Board, additional powers and duties(Haberman) .. 569
Nursing, Board of, continuation of board, provide for examinations, licenses, fees(Perf. Rev. Comm.) 926
Per diem payments to members of state boards and commissions, eliminate(Appro. Comm.) 935
Pharmacy, Board of Examiners, change board composition, continuing education and inspection requirements (Perf. Rev. Comm.) 925
Prison Terms and Parole Standards, Advisory Commission on, establishing(Koch) 372
    Appropriation bill 372A
Private Security Advisory Board, creating(Chambers) 493
Psychologists, Board of Examiners, continue(Perf. Rev. Comm.). 927
Public Employees Retirement Board, duties(Fowler) 395
Sentencing Guidelines Commission, Nebraska, creating (Landis, V. Johnson) 919
    Appropriation bill 919A
State advisory commissions, certain, eliminate (Perf. Rev. Comm.) 934
State Scholarship Commission, creating(Cullan, Koch) 946
Technical Community Colleges, State Board of, establish (15 senators) 954
Water Management Board, Nebraska, creating(Kremer, Schmit) 945
Weather Modification Commission, eliminate (Schmit, Req. of Gov.) 542

BONDS
Actions against the state, require bond(V. Johnson) 780
Authorize revenue bonds for acquisition and development of blighted or substandard areas, C.A.(Newell) 634
Blanket bonds for county deputies and employees, permit purchase (Govt. Comm.) 682
Bridges, bonds for, county authorization(Kahle) 492
Cities of the first class, bonds for certain public improvements, remove limitation(Rumery) 692
Development Finance Fund, Nebraska(Landis, Newell) 817
Highway construction and repair, authorize (Maresh, R. Peterson, Schmit, Hefner, Sieck) 233
Highway construction, issue bonds(DeCamp) 622
Hospital authorities, bond issuance changes(Newell, DeCamp) ... 952
Revenue bond issuance for water management and conservation projects, C.A.(Koch, Beutler) 577

BOUNDARY COMMISSION, NEBRASKA
Establishment of(Pub. Works Comm.) 669
    Appropriation bill 669A

BRANCH RAIL REVITALIZATION COUNCIL
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761

BRANDS AND BRANDING
Nebraska Brand Committee, change powers (Schmit, Wagner, Lamb, Nichol, DeCamp, Remmers, Sieck, Kahle)................. 953
Appropriation bill 953A
Provide certain exceptions to brand requirements (Ag. & Env. Comm.)... 675

BRIDGES
Bond issuance, authorization(Kahle).......................... 492

BUDGETS
Certain political subdivisions, exempt from Budget Limit Act of 1979(Nichols)....................................... 596
Political subdivisions, increase from seven to nine percent (Sieck).. 153
Political subdivisions, requirements change(Govt. Comm.)...... 444

BUILDING AND LOAN ASSOCIATIONS
Branch established, approval(Haberman)....................... 349
Real Estate Commission, trust account deposits, allow (L. Johnson).. 826
Appropriation bill 826A
State building and loan associations, provide same advantages as federal savings and loan associations(Goodrich).......... 646
State warrants, require cashing, payee account not required (Goodrich).. 961

BUILDINGS (See also Public Lands and Buildings)
Art work appropriation, eliminate for construction or remodeling of certain public buildings(23 Senators).......... 657
Task Force for Building Renewal, continue (Cope, Rumery, Fowler).................................... 604
Appropriation bill 604A

BUSES
Inspection of school vehicles for transportation of students, provisions(Educ. Comm.).................................. 653
Appropriation bill 653A

BUSINESSES
Business income, change provisions relating to apportionment (Koch).. 878
Community Development Assistance Act(Landis)................. 707

BUSING
Real estate transactions, mandated school busing, failure to identify(V. Johnson)....................................... 403

CABIN TRAILERS
Prestige license plates, permit(Koch)........................ 579

CAPITAL CONSTRUCTION
Appropriations(Marvel, Req. of Gov.)......................... 164
Appropriations, reaffirmations and reappropriations (Marvel, Req. of Gov.)....................................... 761

CASKETS AND BURIAL VAULTS
Sales tax exemption(Chambers)................................ 663

CEMETERIES
Vandalism, provide penalty(Hoagland)......................... 901

LB
Wyuka, special taxes and assessments, payment(Wesely)......... 237

CERTIFICATE OF NEED ACT, NEBRASKA HEALTH CARE
 Provisions change(Wesely, DeCamp, Schmit).................... 502
 Provisions changes(Pub. Health Comm.)......................... 378
  Appropriation bill 378A

CHECKS
 Bank, require date account was opened to be printed on check (Goodrich).. 866

CHILD CARE AND DEVELOPMENT SERVICES ACT
 Adoption of(V. Johnson)....................................... 520
  Appropriation bill 520A

CHILDREN (See also Infants, Juveniles, Minors)
 Aid to dependent children payments for unborn children, remove authorization (Pirsch, Stoney,(Von Minden, Hefner)........... 684
 Child abuse, penalty increase(Law Enf. Comm.)................. 347
 Child and dependent care, authorize income tax credit (Kilgarin).. 582
  Appropriation bill 582A
 Child Care and Development Services Act(V. Johnson)........... 520
  Appropriation bill 520A
 Child care facilities, provisions change(Burrows)............. 270
 Child care licensing, fee increase(Appro. Comm.).............. 928
 Child care, license fee change(Appro. Comm.).................. 966
 Child support payments, delinquent, collection fee (Nichol, Cullan)... 834
 Foster Care Review Act(DeCamp, Fenger)........................ 714
  Appropriation bill 714A
 Handicapped, care and education, petition for judicial review (Beutler)... 783
 Handicapped, transportation of, reimbursement to parent (Appro. Comm.).. 942
 Mental health treatment, require consent prior to certain treatment(Wiitala).. 836
 Motor vehicles, require passenger restraint system(Marsh)..... 69
 School tuition, children of divorced parents, eliminate (Wiitala)... 642
 Temporary custody of children by district court during conciliation proceedings(Law Enf. Comm.).................... 720
 Unemployment benefits, provide for payment of child support from benefits(Bus. & Labor Comm.).......................... 801
 Wards of the state, decrease assets allowed (Pub. Health Comm.)....................................... 828

CHIROPRACTORS
 Board of Examiners in, eliminate termination (Perf. Rev. Comm.).. 924
 License renewal, fee change(Pub. Health Comm.)................ 263
 Remove from certain insurance policy provisions(Schmit)....... 894

CHURCHES
 Vandalism, provide penalty(Hoagland).......................... 901

CIGARETTES
 Tax increase(Fowler).. 712
 Tax increase(Marvel, Req. of Gov.)............................ 753
 Tax increase(Schmit, Kahle, Wagner)........................... 964
 Tax increase to be placed in Community Health Services Fund (V. Johnson, H. Peterson)................................. 762
 Tax increase to be placed in the Jail and Minimum Security Facility Construction and Improvement Fund(Haberman)......... 569

LB
Wholesale dealer, application fee increase(Appro. Comm.)...... 928

CITIES AND VILLAGES
Audits, annual municipal, provisions change(Vickers).......... 887
City clerks, authorize to delegate certain duties to county clerks and election commissioners(Chronister)......... 823
Housing authority commissioners, appointment changes (Urban Affrs. Comm.).. 821
Initiative and referendum measures, procedures(Landis)........ 807
Public transportation, nonurbanized areas of the state, funding by the Department of Roads(Burrows).................. 908
Recall petitions and ballots, require statement of grounds (Kahle).. 899
Transportation of elderly or handicapped persons, increase fares (Appro. Comm.)... 942

CITIES OF THE FIRST CLASS
Bonds for certain public improvements, remove limitation (Rumery)... 692
Firefighters, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
Merger, consolidation or annexation of cities of the first class, limit by cities of the metropolitan class(Koch).............. 574
Police officers, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
Police officers, retirement system (Fenger,R.Peterson,Remmers, Cope,Apking,Duda,L.Johnson,H.Peterson,Nichol,Carsten, DeCamp,Von Minden,Beyer,).................................. 936
Retirement committee, requirement(Nebr. Ret. Comm.)........... 464
Tax collection, statements to be mailed or delivered(Barrett). 467

CITIES OF THE METROPOLITAN CLASS (See also Omaha)
City council candidates, require petition and filing fee (Pirsch)... 701
City council, extension of city boundaries, limit powers (Beyer).. 904
Limit merger, consolidation and annexation powers(Koch)....... 574
Omaha school district, authorize conveyance of certain school land(V. Johnson, Hoagland)................................ 845
Technical colleges, remove construction restriction(Beyer,Fenger, Duda,Labedz,Hoagland,Goll,L.Johnson,Koch,Wiitala,Pirsch,Kilgarin, Chambers,Newell,V.Johnson)............................... 827
University of Nebraska at Omaha, conduct a study of space requirements, provide a transportation subsidy(Hoagland)..... 957
Utilities districts, change payments to cities and villages (Pirsch, Fenger, Kilgarin)................................ 881

CITIES OF THE PRIMARY CLASS (See also Lincoln)
Annexation of certain additions, allow exclusion(Warner)...... 636
District court, provide for additional judge(Marsh)........... 89
    Appropriation bill 89A
Firefighters, police officers, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)...................... 458
Lincoln Board of Education members, elect by district (Fowler, Landis, Wesely).................................. 688
Retirement committee, requirement(Nebr. Ret. Comm.)........... 464
Sales and use tax, authorization to increase(Landis).......... 591

CITIES OF THE SECOND CLASS
Eliminate a provision relating to the sale of public squares, streets, and alleys(Goll)................................. 909
Eminent domain, expand power to include electrical distribution facilities(Remmers)...................................... 875

LB
Property, real and personal, provide for sale(Goll) 909

CITY PLANNING (See Zoning)

CIVIL PROCEDURE
Attorneys, expert witness fees, certain State actions
(Maresh, Remmers, Vickers)................................. 192
Causes of action based on a claim of wrongful life, prohibit
(Labedz)... 922
Foreclosure proceedings, authorize attorney fees(Goodrich).... 867
Law enforcement officers, vehicular pursuits, change
conditions of liability(Nichol)............................ 805
Mortgage foreclosures, change period of stay(DeCamp).......... 625
New trial, provide when motions are not necessary(Hoagland)... 950
Plaintiffs, provide for bringing new action(Landis)........... 806
Rules of Discovery in Civil Cases Act(Judiciary Comm.)........ 725
Rules of discovery, allow Supreme Court to promulgate
(Judiciary Comm.).. 716
Uniform Comparative Fault Act(Hoagland)....................... 432

CIVIL SERVICE
Income tax exemption for federal civil service annuities
(Fowler)... 614

CLAIMS
Collection procedure, delinquent child support payments,
aid to dependent children recipients(Hoagland, Marsh)........ 940
Disallow certain claims against the state(Bus. & Labor Comm.). 968
Payment of miscellaneous claims against the state
(Bus. & Labor Comm.)....................................... 967
Political Subdivisions Tort Claims Act, allow attorney's fees
(Hoagland)... 340
State Claims Board, allow attorney's fees(Hoagland)........... 341

CLAIMS BOARD, STATE
Allow attorney's fees(Hoagland)............................. 341
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

COMMISSIONS (See Boards and Commissions)

COMMUNITY AGING SERVICES ACT, NEBRASKA
Adoption of (Fowler, Maresh, Wesely, DeCamp, Rumery, Marvel).. 404
Appropriation bill 404A

COMMUNITY AND RESIDENTIAL SERVICES, DEPARTMENT OF
Rename Department of Public Institutions
(Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck)..... 442

COMMUNITY COLLEGES (See Technical Community Colleges

COMMUNITY DEVELOPMENT ASSISTANCE ACT
Adoption of(Landis)... 707

COMPACTS
Nebraska Boundary Commission, establishment of
(Pub. Works Comm.)... 669
Appropriation bill 669A

COMPUTERS
Computer software, impose sales and use tax on gross receipts
(Revenue Comm.).. 819

CONDOMINIUMS
Uniform Condomimium Act(DeCamp, Wiitala)..................... 666

LB

CONSERVATION
Conservation Corporation Act, provisions change(Schmit)....... 713

CONSTITUTION
Appropriations, legislative sessions, odd numbered years, provide, C.A.(Warner, Req. of Gov.)......................... 535
Auditor of Public Accounts, eliminate as constitutional officer, C.A.(Wesely, Warner).............................. 769
Authorize revenue bonds for acquisition and development of blighted or substandard areas, C.A.(Newell).................. 634
Board of Regents, authorize Governor to appoint three members, C.A.(Hoagland)... 735
Food, prohibit imposition of a sales or use tax, C.A.(Newell). 773
Judges, provide for election, C.A.(Beyer, H. Peterson)........ 798
Legislative Compensation Commission, creating, C.A. (Const. Rev. Comm.)... 474
Legislature, members, salary, provide by law, C.A.(Labedz).... 531
Legislature, membership and compensation increase, limit introduction of bills, C.A.(Cullan)......................... 416
Lieutenant Governor, remove as presiding officer, C.A.(Koch).. 576
Political subdivisions, new programs, require Legislature to appropriate funds, C.A.(Hefner)............................ 842
Proceeds from certain forfeited property, divide equally between the school fund and counties for drug enforcement purposes, C.A. (Pirsch, Hoagland)... 947
Property, substandard or blighted, provide for rehabilitation, C.A.(V. Johnson)... 730
Provide a minimum number of legislative days the Legislature is to meet, C.A.(Koch, Haberman, DeCamp)...................LR276
Public Service Commission, members to be appointed by Governor, C.A.(Carsten)................................... 803
Require legislative approval for budget administrative costs of the Board of Educational Lands and Funds, C.A.(Warner)....LR 198
Require state primary election to be held in September, C.A. (Koch)... 580
Restrict tax rate on property to a percentage of its value, C.A. (Fenger)... 671
Sale of real estate for nonpayment of taxes or special assessments, C.A.(Const. Rev. Comm.)........................ 766
Substandard or blighted property, authorize legislation to abate property taxes, C.A.(Landis).......................... 706
Substandard or blighted property, change finance provisions relating to redevelopment, C.A.(Goodrich).................. 672
Water management and conservation projects, provide for issuance of revenue bonds, C.A.(Koch, Beutler)....................... 577

CONSTRUCTION LIEN ACT
Adoption of(Pirsch, Beutler)................................ 513

CONSUMER PROTECTION
Board of Examiners in Medicine and Surgery, purpose (Perf. Rev. Comm.)... 448

CONTRACTORS
Highways, bidders, rules and regulations changes (Fowler, Hoagland)... 969
Sales tax, certain, refund authorization (Goodrich, Hefner, H. Peterson).................................... 278

CONTRACTS
County officers, change provisions relating to interest in contracts(Rumery)... 748

LB

CONTROLLED SUBSTANCES (See also Drugs)
Alcohol or drugs, driving under the influence of, penalty change (Stoney)........ 870
Driving under the influence of alcohol or drugs, change provisions relating to revocation of operators' licenses (Vickers, Sieck)........ 747
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland)........ 568
Forfeited property, provide for allocation(Pirsch, Hoagland).. 948
Imitation, prohibit manufacture(Hoagland, Wiitala)........ 911
Insanity plea, prohibit use of when offense was committed under the influence of alcohol or drugs(Pirsch)........ 612
Penalty for persons involved in an accident while driving under the influence of alcohol or drugs(Haberman, Hoagland).. 733

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
Change power and duties(Educ. Comm.)........ 650
Termination of(Cullan)........ 507

CORN
Ne. Corn Development, Utilization, and Marketing Fund, provision change(Appro. Comm.)........ 942

CORPORATIONS
Apportionment formula, corporate income tax, change(Koch)..... 878
Changes in computation of franchise taxes(Burrows)........ 876
Community Development Assistance Act(Landis)........ 707
Credit unions, eliminate maximum interest rates(DeCamp)....... 623
Credit unions, state, provide with same privileges as federal credit unions(Banking Comm.)........ 775
Foreign, allow acquisition of oil and gas leases(Clark)....... 571
Income and franchise taxes, change rates (Marvel, Req. of Gov.)........ 760
Income tax increase (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner)........ 524
Income tax rate, increase(Fowler)........ 300
Increase annual fee(Appro. Comm.)........ 928
Prepaid dental service corporations(Marsh)........ 139
Appropriation bill 139A

CORRECTIONAL SERVICES, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........ 761
Assault convictions while in custody, sentence change(Pirsch). 465
Assault of correctional employees, penalty(Labedz)........ 913
Deputy public counsel for corrections, eliminate position (Schmit)........ 674
Employees injured in the line of duty, increase disability compensation(Burrows)........ 615
Jails, county and city, funds for construction and improvement (Haberman)........ 569
Ombudsman for Corrections, establish position(Schmit)........ 674
Parole granting, provide standards(Koch)........ 372
Appropriation bill 372A
Prisoners, require their partial payment of costs of confinement, support of families, restitution to crime victims(DeCamp).... 745
Sentencing Guidelines Commission, Nebraska, creating (Landis, V. Johnson)........ 919
Appropriation bill 919A
Statute of limitations for prisoners, furloughs and release of prisoners, reduction of sentences, establish date of parole (Judiciary Comm., Koch)........ 788
Transfer federal surplus property program from Military Department to Department of Correctional Services(Schmit)........ 767
Appropriation bill 767A

CORRECTIONS, DEPARTMENT OF
Prisoners, adult correctional facility, cost of maintenance to be paid by state(V. Johnson)................................ 965

COUNSELING
Clinical counseling in medical facilities, fee assessment (Appro. Comm.).. 966

COUNTIES
Attorneys, require felony crime victims to be informed of recommendations(Pirsch).................................... 814
Board proceedings, change publication requirements(Landis).... 594
Bond issuance, bridges, authorization(Kahle).................. 492
Bonds, blanket, county deputies and employees, permit purchase (Govt. Comm.).. 682
Budget, eliminate reimbursement by state for printing expense (Appro. Comm.).. 942
City clerks, authorize to delegate certain duties to county clerks and election commissioners(Chronister).......... 823
Clerk magistrate, appointment(Law Enf. Comm.)................. 723
Clerks, motor vehicle certificate of titles, increase fees (Wiitala).. 752
Computer-assisted valuation of real property, provide(Koch)... 581
County Attorney Standards Advisory Council, eliminate (Perf. Rev. Comm.).. 934
County officers, change provisions relating to interest in contracts(Rumery)... 748
County officers, provide for reinstatement to former employment after leaving office(Govt. Comm.)......................... 871
County treasurers, prohibit collection of fees for distribution of state funds(Koch)....................................... 833
Douglas county commissioners, provide for district election (Chambers, V. Johnson, Koch, Kilgarin)...................... 921
Elected County Officers' Retirement System, creating(Rumery).. 424
Employees, mandatory retirement, eliminate(Rumery)............ 287
Employees, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458
Employees, salary adjustment by Legislature(Chambers)......... 281
Hospital authorities, bond issuance changes(Newell, DeCamp)... 952
Hospital boards, change interest on warrants(Kahle)........... 703
Legal settlement, county of, services to mentally retarded, change definition(Von Minden)............................. 667
Mentally ill, mentally retarded, hospital costs, increase certain fees(Appro. Comm.)................................ 966
Minimum maintenance roads, provide for(Kahle)................. 611
Municipal court judge, provide for temporary assignment as county judge(Kilgarin, Beutler)........................... 590
Appropriation bill 590A
Part time employment, persons over age 70 receiving retirement benefits, allow(Fowler)................................... 810
Planning commissions, change membership requirements(Nichol).. 601
Prisoners, Penal Complex, payment by county(Nichol)........... 242
Public assistance, require counties to adopt written standards (V. Johnson).. 521
Redistricting, establish requirements(Misc. Subj. Comm.)...... 815
Register of deeds, recording of plats and subdivisions, approval required(Cullan)................................ 418
Retirement system, membership, uniform requirements (Nebr. Ret. Comm.)... 461
Roads, isolated lands, provide for public access (Labedz, L. Johnson)...................................... 239
Sheriff's office merit commission, population and term of office requirements(Marvel, Kilgarin)...................... 782

LB

Sheriffs, deputy county, increase authorized probationary period(Chronister)... 729
State aid, provisions (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner)................................... 524
Surveyors, duties(Sieck).................................... 127
    Appropriation bill 127A
Vehicular pursuits, change conditions of liability(Nichol).... 805
Water and sanitary sewer districts, authorize counties to provide (Warner)... 585
Welfare programs, transfer administration to state (V. Johnson, Cullan)... 522
    Appropriation bill 522A
Zoning commissions, financial interest statements, remove requirement(Haberman, Von Minden)........................... 687

COUNTY ASSESSOR
Certain filing provisions, date change(Fowler)................ 857
Homestead exemptions, provisions change(Labedz)............... 656

COUNTY COURT
Inheritance tax, eliminate(Hoagland, Beyer, Sieck)............ 480

COUNTY JUDGES
Associate, Ne. Retirement Fund for Judges, prohibit membership (Goodrich).. 399
Criminal matters, fee increase(Appro. Comm.).................. 928
Writs of habeus corpus, fee increase(Appro. Comm.)............ 928

COURTS (See also specific court, Civil Procedure, Criminal Procedure)
Actions against the state, provisions change(V. Johnson)...... 780
Appeals, criminal cases, eliminate writ of error procedures (Law Enf. Comm.)... 722
Attorneys, expert witness fees, certain State actions (Maresh, Remmers, Vickers)................................ 192
Child support, provide for payment from unemployment benefits (Bus. & Labor Comm.)...................................... 801
Clerk magistrates, provide for rather than associate county judges(Law Enf. Comm.).................................... 723
County, civil matters, fee increase(Appro. Comm.)............. 928
County, fee increases(Appro. Comm.)........................... 928
Judges Fund, Ne., provisions change(Goodrich)................. 399
Judges, associate, retirement system, restrict membership (Nebr. Ret. Comm.).. 461
Judges, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.).. 458
Judges, statewide powers, provide(Law Enf. Comm.)............. 721
Judicial districts, district court, define(Judiciary Comm.)... 715
Judicial districts, number and composition, change(Beutler)... 386
Jury summons, permit first-class mailing(Pirsch).............. 677
Juvenile Code, Nebraska, clarification of provisions (Judiciary Comm.)... 787
Juvenile court probation positions, transfer to Field Probation Service(Beutler, Labedz, Beyer)............................ 676
    Appropriation bill 676A
Misdemeanor cases, provide for discovery procedures (V. Johnson).. 781
Municipal court judge, provide for temporary assignment as county judge(Kilgarin, Beutler)............................. 590
    Appropriation bill 590A
Plaintiffs, provide for bringing new action(Landis)........... 806
Rules of Discovery in Civil Cases Act(Judiciary Comm.)........ 725
Search warrants, fee increase(Appro. Comm.)................... 928

LB

Small claims court, fee increase(Appro. Comm.)................ 928
Supreme Court judges, salary increase(Cullan)................. 603
    Appropriation bill 603A
Supreme Court, appeals, increase fees(Appro. Comm.)........... 928
Supreme Court, eliminate general term and certain quorum requirements(Law Enf. Comm.)............................... 718
Supreme Court, increase docket fee(Law Enf. Comm.)............ 719
Supreme Court, provide for certification of questions of law (Law Enf. Comm.)... 724
Victims and witnesses of crime, prohibit intimidation(Landis). 812
Victims of crime, provide restitution(Sieck).................. 818
Witnesses, criminal procedure, compelled to testify, change immunity(Sieck)...................................... 525

CREDIT UNIONS

Eliminate maximum interest rates(DeCamp)..................... 623
Group life insurance policies, remove a limitation (Banking Comm.).. 775
Insurance or guaranty of shares, savings, or deposits, require(Banking Comm.)................................... 776
State credit unions, provide with same privileges as federal credit unions(Banking Comm.)........................ 775

CRIMES AND PUNISHMENTS

Abortion procedures, violation of, penalty(DeCamp)............ 620
Abuse, incompetent or disabled person, penalty increase (Law Enf. Comm.)... 347
Adult Protective Services Act, violation, penalty(Marsh)...... 335
Animals, cruelty to, provide penalties(Marsh)................. 858
Assault of correctional employees, penalty(Labedz)............ 913
Breaking and entering, define(Law Enf. Comm.)................. 347
Child abuse, penalty increase(Law Enf. Comm.)................. 347
Controlled substances, imitation, prohibit manufacture (Hoagland, Wiitala).. 911
Controlled substances, provide for the allocation of forfeited property(Pirsch, Hoagland)........................ 948
Criminal Code, Nebraska, harmonize penalty provisions (Law Enf. Comm.)... 347
Death penalty, eliminate(Chambers, Dworak)................... 202
Driving under the influence of alcohol or drugs, change provisions relating to revocation of operators' licenses (Vickers, Sieck)... 747
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland)...................................... 568
Driving under the influence of alcohol or drugs, penalty for persons involved in an accident(Haberman, Hoagland).......... 733
Firearms, use to commit a felony, remove eligibility for pretrial diversion(Haberman)....................................... 567
Hunting, use of artificial light, penalty(Cope).............. 680
Liquor, minimum penalty for purchase using false or altered identification(Stoney)..................................... 809
Lottery prizes, change amount to be awarded(Rumery)........... 841
Mechanic's lien, violation, penalty(Pirsch, Beutler).......... 514
Mining and Reclamation Act, Ne., violation, penalty(Cullan)... 550
Minors, prohibit alteration of identification to purchase liquor (Stoney)... 869
Misdemeanor cases, provide for discovery procedures (V. Johnson)... 781
Motor vehicles, child passenger restraint system requirement, violation, penalty(Marsh)................................. 69
Parole granting, provide standards(Koch)..................... 372
    Appropriation bill 372A
Private Security Act, violation, penalty(Chambers)........... 493

LB
Radar detection and transmission devices, violation, penalty (Vickers, Von Minden).. 32
Appropriation bill 32A
Real estate practices, unfair, penalty(Kilgarin, DeCamp)...... 918
Sentences of persons convicted for assault while in custody, eliminate credit for time served(Pirsch).................... 465
Shoplifting, penalty(DeCamp).................................. 126
Vandalism, provide penalty(Hoagland).......................... 901
Victims and witnesses, prohibit intimidation(Landis).......... 812
Victims of crime, provide restitution(Sieck).................. 818
Victims of crime, restitution to(Sieck)....................... 53
Victims of crime, restitution to(DeCamp)...................... 745
Victims of crimes, reparations, limit(Appro. Comm.)........... 942
Victims, require county attorney to inform of his recommendations (Pirsch).. 814

CRIMINAL PROCEDURE
Appeals, eliminate writ of error procedures(Law Enf. Comm.)... 722
County attorney, require felony crime victims to be informed of recommendations(Pirsch).................................... 814
Criminal cases, allow prosecution to appeal sentence(Nichol).. 402
Identifying physical characteristics, increase fee for court order(Appro. Comm.)................................. 928
Insanity plea, prohibit use of when offense was committed under the influence of alcohol or drugs(Pirsch)................... 612
Juvenile court probation positions, transfer to Field Probation Service(Beutler, Labedz, Beyer)............................. 676
Appropriation bill 676A
Law Enforcement Improvement Fund fee, increase (Judiciary Comm.)... 717
Misdemeanor cases, provide for discovery procedures (V. Johnson).. 781
Pretrial diversion for persons using firearms to commit a felony, remove eligibility(Haberman)............................... 567
Prisoners, Department of Corrections adult correctional facility, cost of maintenance to be paid by state(V. Johnson).......... 965
Prisoners, Penal Complex, payment by county(Nichol)........... 242
Sentencing Guidelines Commission, Nebraska, creating (Landis, V. Johnson)....................................... 919
Appropriation bill 919A
Victims of crime, provide restitution(Sieck).................. 818
Victims of crime, restitution to(Sieck)....................... 53
Witnesses, compelled to testify, change immunity(Sieck)....... 525

CUSTODY
Temporary custody of children by district court during conciliation proceedings(Law Enf. Comm.).................... 720

DAMAGES
Vehicular pursuits, law enforcement officers, change conditions of liability(Nichol)...................................... 805

DAMS
Dam inspections by Department of Water Resources, eliminate (Appro. Comm.)... 933

DAY CARE
State employees, authorize(V. Johnson)........................ 800

DEAF, NEBRASKA SCHOOL FOR THE
Name the gymnasium the Nick Petersen gymnasium(V. Johnson).... 664

DEATH
Death certificates, amending(Nichol).......................... 802

LB

- Penalty, eliminate(Chambers, Dworak).......................... 202
- Uniform Determination of Death Act(DeCamp).................... 691

DEBTS

- Debtor relief in consumer credit transactions(V. Johnson)..... 813

DECEDENTS' ESTATES

- Estate tax liens, eliminate(Hoagland, Beyer, Sieck)........... 480
- Incapacitated person, appointment of guardian(V. Johnson)..... 428
- Inheritance tax, eliminate(Hoagland, Beyer, Sieck)............ 480
- Legal notices, publication and rate changes(Hoagland)......... 910

DENTAL HYGIENISTS

- Additional duties, (Marsh, Kilgarin, Nichol, Wiitala, Warner, Fowler)................................... 920
- Continuing education requirement(Perf. Rev. Comm.)............ 923
- License renewal, fee change(Pub. Health Comm.)................ 263

DENTISTS AND DENTISTRY

- Board of Examiners in Dentistry, provide for additional appointment(Fowler).. 853
- Board of Examiners, require continuing education, provide standards and inspections, eliminate termination of Board (Perf. Rev. Comm.).. 923
- Dental assistants, provide for registration(Fowler)........... 853
- Dental hygienists, additional duties (Marsh, Kilgarin, Nichol, Wiitala, Warner, Fowler).................................. 920
- Dental review committees, certain proceedings and records, prohibit introduction(R. Peterson)........................... 267
- License renewal, fee change(Pub. Health Comm.)................ 263
- Prepaid dental service corporations(Marsh).................... 139
  - Appropriation bill 139A

DETECTIVES

- License fee increase(Appro. Comm.)............................ 928

DEVELOPMENT FINANCE FUND ACT, NEBRASKA

- Adoption of(Landis, Newell)................................... 817

DISABLED PERSONS (See also Handicapped Persons)

- Adult Protective Services Act(Marsh).......................... 335
- Homestead exemption, require disabled to meet certain requirements(Revenue Comm.)................................ 740
  - Appropriation bill 740A
- License plates for additional disabled persons, authorization (Kilgarin).. 645
- Medical assistance, provisions(Appro. Comm.).................. 932

DISCLOSURE

- Uniform Information Practices Code(DeCamp).................... 624

DISCRIMINATION

- Equal Opportunity in Education Act, Ne. (DeCamp, Fowler, Beutler, Wiitala, Newell, Koch, Vickers, Kilgarin)........... 628

DISTRICT COURT

- Actions against the state, provisions change(V. Johnson)...... 780
- Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
- Correctional Services, Department of, provisions changes (Judiciary Comm., Koch).................................... 788
- Foreclosure proceedings, authorize attorney fees(Goodrich).... 867
- Judge, Lancaster County, provide for additional(Marsh)........ 89
  - Appropriation bill 89A

LB
Judges, mandatory retirement, allow completion of term (Hoagland).. 902
Judges, provide for election, C.A.(Beyer, H. Peterson)........ 798
Judicial districts, define(Judiciary Comm.).................... 715
Jury summons, permit first-class mailing(Pirsch).............. 677
Law enforcement officers, vehicular pursuits, change conditions of liability(Nichol)............................. 805
Minor children, temporary custody during conciliation proceedings(Law Enf. Comm.)................................ 720
Mortgage foreclosures, change period of stay(DeCamp).......... 625
New trial, provide when motions are not necessary(Hoagland)... 950
Parental rights, termination, procedures(Chronister).......... 215
Rules of Discovery in Civil Cases Act(Judiciary Comm.)........ 725
Sentence reduction for good behavior(Fowler).................. 231
Uniform Comparative Fault Act(Hoagland)....................... 432
Wrongful life, claims, prohibit causes of action(Labedz)...... 922

DIVORCE
Parental rights, termination, procedures change(Chronister)... 215
Temporary custody of children by district court during conciliation proceedings(Law Enf. Comm.).................... 720

DRAINAGE
Sanitary and improvement districts, continuation after annexation(Stoney)... 727
Sanitary and improvement districts, issuance and payment of bonds(Urban Affrs. Comm.)................................ 820
Sanitary and improvement districts, powers, change(Labedz).... 939

DRUGS (See also Controlled Substances)
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland).. 568
Imitation controlled substances, prohibit manufacture (Hoagland, Wiitala).. 911
Proceeds from certain forfeited property, divide equally between the school fund and counties for drug enforcement purposes, C.A. (Pirsch, Hoagland).. 947
State Drug Abuse Advisory Committee, eliminate (Perf. Rev. Comm.).. 934

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Community Development Assistance Act(Landis).................. 707
Development Finance Fund, Nebraska(Landis, Newell)............ 817

EDUCATION (See also Schools)
Child Care and Development Services Act(V. Johnson)........... 520
  Appropriation bill 520A
Class II districts, discontinuance of(Vickers)................ 797
Commissioner of Education, authorize employment contract (Educ. Comm.).. 654
Common schools, legislative intent(Koch)...................... 338
Compulsory, raise age limit(Beutler).......................... 305
Coordinating Commission for Postsecondary Education, change power and duties(Educ. Comm.)................................... 650
Coordinating Commission for Postsecondary Education, termination of(Cullan).. 507
Degrees, associate, awarding of(Goll)......................... 370
Dentists and dental hygienists, continuing education requirement (Perf. Rev. Comm.).. 923
Driver Education Fund, creating(Warner, Koch)................. 916
Equal Opportunity in Education Act, Nebraska (DeCamp, Fowler, Beutler, Wiitala, Newell, Koch, Vickers, Kilgarin)... 628

LB
Foreign language assistance program, provide(Wiitala)......... 710
Freeholders, school districts, territory changes, petitions
(Educ. Comm.)... 208
Gifted children, provide funds(Hoagland)...................... 737
Gifted programs, development of(Hoagland, Sieck).............. 423
Handicapped children, care and education, petition for judicial
review(Beutler)... 783
Income tax, financing of schools(Sieck)....................... 219
Insurance agents, brokers, consultants, continuing education
requirements(Banking Comm.)................................... 274
Appropriation bill 274A
Lincoln Board of Education members, elect by district
(Fowler, Landis, Wesely)...................................... 688
Loans, student, provide for issuance and guarantee
(Cullan, Koch).. 946
Medical students, transfer selection of certain loan recipients
to State Board of Health(Appro. Comm.)........................ 933
Pharmacists, continuing education requirements
(Perf. Rev. Comm.).. 925
Postsecondary education courses, tuition free enrollment for
citizens over 60 years of age(Koch)........................... 578
Private schools, allow State Board of Education to waive
certain requirements(Educ. Comm.)............................. 652
Private Vocational Educational Authorization Act,
provisions change(Goll)....................................... 370
Private vocational educational institutions, fee increase
(Appro. Comm.).. 928
Private, denominational or parochial schools, exempt from certain
requirements(DeCamp,Koch,Kremer,Dworak,H.Peterson,Warner,Sieck,
Wiitala,Stoney amendment)..................................... 472A
Private, permit waiver of certain requirements
(H. Peterson,(DeCamp, Stoney, Labedz)......................... 607
Programs for children under age five, permit schools to establish
(Koch).. 938
Special education programs, eliminate certain provisions
(Educ. Comm.)... 651
State aid, provisions change(Appro. Comm.).................... 942
State Scholarship Commission, creating(Cullan, Koch).......... 946
Students, provide for early transfer from high school to institution of higher learning(Beutler, Vickers).................. 709
Appropriation bill 709A
Students, staff members, residency requirement change(Koch)... 796
Tuition, children of divorced parents, eliminate(Wiitala)..... 642

EDUCATION, COMMISSIONER OF
Child Care and Development Services Act(V. Johnson)........... 520
Appropriation bill 520A
Employment contract, authorization to State Board of Education
(Educ. Comm.)... 654

EDUCATION, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Coordinating Commission for Postsecondary Education, transfer
powers and duties(Cullan)..................................... 507
Foreign Language Assistance Fund, administering(Wiitala)...... 710
Teacher contract forms, require approval by State Department
of Education(Kilgarin).. 789

EDUCATION, STATE BOARD OF
Employment contract, Commissioner of Education, authorization
(Educ. Comm.)... 654
Private schools, allow State Board of Education to waive certain
requirements(Educ. Comm.)..................................... 652

LB

EDUCATIONAL LANDS AND FUNDS, BOARD OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Legislative approval required for budget administrative costs, C.A.(Warner)..LR 198

EDUCATIONAL TELEVISION COMMISSION, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

ELECTIONS
City clerks, authorize to delegate certain duties to county clerks and election commissioners(Chronister)......... 823
Douglas county commissioners, provide for district election (Chambers, V. Johnson, Koch, Kilgarin)...................... 921
Initiative and referendum measures, municipal subdivisions, procedures(Landis)... 807
Initiative and referendum petitions, change provisions (Hefner)... 647
Omaha, city council candidates, require petition and filing fee (Pirsch)... 701
Require state primary election to be held in September, C.A. (Koch)... 580
Sanitary and improvement districts, trustees(Newell).......... 359

ELECTRICIANS
License renewal changes(Koch)............................... 605

ELECTRICITY
Electrical generating capacity, excess, provision (Lamb, Kremer).. 400
Electrical transmission and distribution facilities, transformers, and substation facilities, exempt from taxation (Sieck).. 734
Industrial Siting Act(Cullan)............................... 473
State Electrical Division, establishing(Goodrich)............ 490

ELEVATORS
Inspection fee increase(Appro. Comm.)........................ 928
Provide a definition(Bus. & Labor Comm.)..................... 659

EMINENT DOMAIN
Second class cities and villages, expand power to include electrical distribution facilities(Remmers)................. 875

EMPLOYEES
Employment Security Law, disqualification for benefits (Newell)... 176
Labor organizations, provide choice to employee (Hefner, H. Peterson)...................................... 864
Medical examinations as a condition of employment(L. Johnson). 949
Raiload employees, provide with certain facilities(Burrows)... 937
Unemployment benefits, change conditions of eligibility (Nichol)... 599
Unemployment benefits, change eligibility requirements, computation of benefits, provide for payment of child support (Bus. & Labor Comm.)...................................... 801
Unemployment benefits, change minimum and maximum weekly benefits(Bus. & Labor Comm.).............................. 765
Unemployment benefits, provide an increased maximum benefit amount(Wiitala)... 732
Unfair labor practices, classification of certain acts (Fowler)... 944

EMPLOYER
Employment security, employer contribution rates, change (Hefner)... 690

LB

Labor organizations, provide choice to employee (Hefner, H. Peterson)........ 864
Negative balance rate schedules, provide(Vickers, Hefner)..... 637
Political subdivisions, permit two or more to be classified as self-insurers for workmen's compensation benefits(DeCamp).... 917
Unemployment benefits, change conditions of eligibility (Nichol)........ 599
Unemployment benefits, change minimum and maximum weekly benefits(Bus. & Labor Comm.)........ 765
Unemployment benefits, provide an increased maximum benefit amount(Wiitala)........ 732
Unfair labor practices, classification of certain acts (Fowler)........ 944

EMPLOYMENT
Agency, license fee increase(Appro. Comm.)........ 928
Employment driving permits, provide for revocation (Beyer, Apking, Cope)........ 660
Employment Security Law, disqualification for benefits (Newell)........ 176
Mandatory retirement, eliminate(Rumery)........ 287
Medical examinations as a condition of employment(L. Johnson). 949
Public officers, provide for reinstatement to former employment after leaving office(Govt. Comm.)........ 871
Unlawful employment practices, authorize award of attorney's fees(V. Johnson)........ 843

EMPLOYMENT SECURITY
Appeal Tribunal, Ne., creating(Landis)........ 410
Benefits, allow deduction of retirement pension(Stoney)....... 617
Employer contribution rates, change(Hefner)........ 690
Musicians, unemployment benefits, change disqualification (Goodrich)........ 959
Negative balance rate schedules for certain employers, provide (Vickers, Hefner)........ 637
Unemployment benefits, change conditions of eligibility (Nichol)........ 599
Unemployment benefits, change eligibility requirements, computation of benefits, provide for payment of child support (Bus. & Labor Comm.)........ 801
Unemployment benefits, change minimum and maximum weekly benefits(Bus. & Labor Comm.)........ 765
Unemployment benefits, provide an increased maximum benefit amount(Wiitala)........ 732

ENERGY
Conservation programs, provisions change (Nichol, Haberman, Wesely, Kilgarin, DeCamp, Fowler)........ 799
  Appropriation bill 799A
Geothermal deposits, treat as mineral interests (DeCamp, Nichol)........ 708
Industrial Siting Act(Cullan)........ 473
Technical community colleges, allow energy grants(Nichol)..... 598
Various energy programs, provisions (Wesely, Wiitala, DeCamp, Fowler, Nichol)........ 738

ENERGY OFFICE, STATE
Appropriation, agency expense(Marvel, Req. of Gov.)........ 761
Technical community colleges, allow energy grants(Nichol)..... 598
Various energy programs, provisions (Wesely, Wiitala, DeCamp, Fowler, Nichol)........ 738

ENVIRONMENTAL CONTROL
Nebraska Mining and Reclamation Act(Cullan)........ 550

LB

ENVIRONMENTAL CONTROL, DEPARTMENT OF
 Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

EQUAL OPPORTUNITY COMMISSION
 Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

EQUAL OPPORTUNITY IN EDUCATION ACT, NEBRASKA
 Adoption of (DeCamp, Fowler, Beutler, Wiitala, Newell, Koch, Vickers, Kilgarin).................................. 628

EQUALIZATION AND ASSESSMENT, STATE BOARD OF
 Adjust state income tax rate in response to federal tax changes (Revenue Comm.).. 693
 Meetings, require public notice(Beutler)..................... 304
 Sales and income tax rate setting, reduce minimum estimated receipts(Marvel, Req. of Gov.)............................. 757
 Sales and use tax, set additional rate of one percent for deposit to Water Management and Improvement Fund (Kremer, Schmit)... 945
 Sales tax rate, remove power to set(Warner, Koch)............. 916
 Sales, use, and income tax rates, reduce increments(Carsten).. 454

EQUIPMENT
 Manufacturing, depressed economic zones, sales tax refund (Newell).. 117
 Manufacturing, eliminate sales tax exemption(Warner, Koch).... 916
 Require carbon monoxide detection devices on natural gas-burning equipment(Warner).. 584

EVIDENCE
 Dental review committees, certain proceedings and records, prohibit introduction(R. Peterson).......................... 267
 Rules of discovery in civil cases, allow Supreme Court to promulgate(Judiciary Comm.)................................ 716

EXCISE TAX
 Motor vehicles, repeal(Haberman)............................. 25

EXECUTIVE BOARD (See Legislature)

FARMS AND FARMING (See also Agriculture)
 Combines, extra wide, permit operation and transportation (Cullan).. 417
 Farm trucks, change definition(Kremer, Schmit, Cullan)........ 874
 Right to Farm Act, Nebraska, adoption of (Barrett, Remmers, Sieck, R. Peterson, Schmit)............................... 668

FEES AND SALARIES
 Abstracts of motor vehicle operating records, increase fee (Marsh)... 673
 Agriculture, miscellaneous fees, change(Appro. Comm.)......... 966
 Alcoholic liquors, certain fee increases(Appro. Comm.)........ 928
 Attorney fees, real estate mortgage foreclosures(Goodrich).... 865
 Attorney fees, unlawful employment practices, authorize (V. Johnson).. 843
 Attorneys, expert witness fees, certain State actions (Maresh, Remmers, Vickers)................................ 192
 Bee husbandry, permit fee assessment(Appro. Comm.)............ 966
 Child care licensing, fee increase(Appro. Comm.)............. 928
 Child care, license fee change(Appro. Comm.)................. 966
 Child support payments, delinquent, collection fee (Nichol, Cullan).. 834

LB
Cigarettes, wholesale dealer, application fee increase (Appro. Comm.)........ 928
Commercial fertilizer and soil conditioner, inspection fee change(Appro. Comm.)........ 966
Counseling in medical facilities, fee assessment (Appro. Comm.)........ 966
County courts, civil matters, fee increase(Appro. Comm.)........ 928
County judge, certain proceedings, fee increase(Appro. Comm.). 928
County treasurers, prohibit collection of fees for distribution of state funds(Koch)........ 833
Courts, search warrants, fee increase(Appro. Comm.)........ 928
Criminal proceedings, increase Law Enforcement and Improvement Fund fee(Judiciary Comm.)........ 717
Debt management business license, fee increase(Appro. Comm.).. 928
Detectives, license fee increase(Appro. Comm.)........ 928
Driving permit, employment, fee increase(Appro. Comm.)........ 928
Elevators, inspection fee, increase(Appro. Comm.)........ 928
Embalming and funeral directing licenses, fee increase (Pub. Health Comm.)........ 263
Fees, increase and provide for additional fees(Appro. Comm.).. 928
Fees, provide for(Appro. Comm.)........ 966
Fire Marshal, State, fee assessment for inspections (Appro. Comm.)........ 966
Fireworks license, explosive materials permit, fire inspector exams, fee increase(Appro. Comm.)........ 928
Fishing permit, fee exemption, persons over age sixty-five (Burrows)........ 905
Food, certain permits and inspections, fee change (Appro. Comm.)........ 966
Game and Parks Commission, lost fees, revenue transfer (Const. Rev. Comm.)........ 75
  Appropriation bill 75A
Grain warehouses, license fee increase(Appro. Comm.)........ 928
Health Care Certificate of Need Act, establish fees (Appro. Comm.)........ 966
Horses, Nebraska-bred, registration fee(Beyer)........ 839
Indian Affairs, Commission on, fee assessment for publications (Appro. Comm.)........ 966
Infants, screening for metabolic diseases, fee assessment (Appro. Comm.)........ 966
Inspections, certain, fee increase(Appro. Comm.)........ 928
Labor, Commissioner of, occupational health and safety reviews, establish fees(Appro. Comm.)........ 928
Law Enforcement and Criminal Justice, Commission on, continuing legal education, fees change(Appro. Comm.)........ 966
Law Enforcement and Criminal Justice, Commission on, training center fees change(Appro. Comm.)........ 966
Legal notices, increase rate(Hoagland)........ 910
Legal notices, provide for increase in rate(DeCamp)........ 629
  Appropriation bill 629A
Legislature, members, provide for salary payment (Marvel, Req. of Gov.)........ 755
Litter fee, except products sold in returnable packages or containers(Rumery)........ 840
Livestock or poultry establishment license, fee increase (Appro. Comm.)........ 928
Livestock, fee assessment for inspection, examination, test of treatment(Appro. Comm.)........ 966
Lobbyist registration, fee increase(Appro. Comm.)........ 928
Mechanical amusement devices, license fee increase (Appro. Comm.)........ 928
Medicine and surgery, license renewal fee(Perf. Rev. Comm.)... 448
Mentally ill, hospital costs, increase certain fees (Appro. Comm.)........ 966

LB
Mentally retarded, hospital costs, counties, increase certain fees(Appro. Comm.)........ 966
Mexican-American Commission, fee assessment for publications (Appro. Comm.)........ 966
Milk, permit and inspection, fee change(Appro. Comm.)......... 966
Motor vehicle certificate of titles, increase fees(Wiitala)... 752
Motor vehicle fuels, licenses and permits, fee increase (Appro. Comm.)........ 928
Motor Vehicles, Department of, fee for certified abstract of an operating record(Appro. Comm.)........ 966
Motor vehicles, personalized prestige license plates, fee increase(Appro. Comm.)........ 928
Motor vehicles, publicly owned, registration fee exemption (Vickers, Wesely)........ 98
Motor vehicles, school and instructor's licenses, fee increase (Appro. Comm.)........ 928
Motor vehicles, temporary permit for minors, fee increase (Appro. Comm.)........ 928
Motor vehicles, title certificate, fee increase(Appro. Comm.). 928
Nurserymen, fee increase(Appro. Comm.)........ 928
Nurses, increase license fee(Perf. Rev. Comm.)........ 926
Oil inspections, fee change(Appro. Comm.)........ 966
Omaha, city council candidates, require petition and filing fee (Pirsch)........ 701
Optometry licenses, fee change(Perf. Rev. Comm.)........ 449
Private vocational educational institutions, fee increase (Appro. Comm.)........ 928
Public employees working night hours, salary increase (V. Johnson)........ 879
    Appropriation bill 879A
Public Service Commission, certain fee increases (Appro. Comm.)........ 928
Secretary of State as State Records Administrator, establish fees for services(Appro. Comm.)........ 966
Secretary of State, filing fees, other services, fee increase (Appro. Comm.)........ 928
Serological test for syphilis, fee required(Landis)........ 863
    Appropriation bill 863A
Sheriffs, discontinue jailer fees(Chambers)........ 662
Sheriffs, serving of papers, fee increase(Chronister)........ 301
State employees, salary appropriation(Marvel, Req. of Gov.)... 761
State employees, salary increase(Marvel, Req. of Gov.)........ 761
State government, officers of, provide for payment of salaries (Marvel, Req. of Gov.)........ 756
State government, officers of, provide for payment of salaries (Marvel, Req. of Gov.)........ 756
Supreme Court appeals, fee increase(Appro. Comm.)........ 928
Supreme Court, increase docket fee(Law Enf. Comm.)........ 719
Surveyors, county, fee change(Sieck)........ 127
    Appropriation bill 127A
Teacher certification fees, reduce(Wiitala)........ 641
Trade-mark applications, fee increase(Appro. Comm.)........ 928
Truth and deception examiners, license fee increase (Appro. Comm.)........ 928
Truth and deception examiners, license fee increase (Appro. Comm.)........ 928
Uniform Commercial Code, fee increase(Appro. Comm.)........ 928
Warehousemen, license fee increase(Appro. Comm.)........ 928
Water Resources, Department of, inspections, other services, fees change(Appro. Comm.)........ 966
Water rights, sale or lease, application fee(Cullan)........ 8
Water supply or sewage disposal facilities, inspection fee (Appro. Comm.)........ 966

LB
Water, interbasin transfer, fee requirement(Warner)........... 771
Weights and measures, inspections, fee change(Appro. Comm.)... 966
Well permits in control areas, change issuance and fees (Kremer).. 670
Appropriation bill 670A
Women, Nebraska Commission on the Status of, fee assessment for publications(Appro. Comm.)............................ 966

FIRE
Fire Prevention and Structural Safety, Department of, creating (Wesely).. 456
Inspections of existing and new buildings, require (Judiciary Comm.)...................................... 792
Rural and suburban fire protection districts, remove certain provisions relating to petitioning and voting(Wiitala)....... 639
Statewide open burning ban, establish(Beyer, Duda)............ 790

FIRE AND STRUCTURAL SAFETY ACT
Adoption of(Wesely)... 456

FIRE MARSHAL, STATE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Employees injured in the line of duty, increase disability compensation(Burrows)...................................... 615
Fireworks license, explosive materials permit, fire inspector exams, fee increase(Appro. Comm.)......................... 928
Inspections of existing and new buildings, require (Judiciary Comm.)...................................... 792
Inspections, fee assessment(Appro. Comm.).................... 966
Political subdivisions, permit to delegate authority(Nichol).. 711
State Electrical Division, transfer control(Goodrich)......... 490
Statewide open burning ban, establish(Beyer, Duda)............ 790

FIRE PREVENTION AND STRUCTURAL SAFETY, DEPARTMENT OF
Creating(Wesely).. 456

FIREARMS
Use of to commit a felony, remove eligibility for pretrial diversion(Haberman)....................................... 567

FIREFIGHTERS
Cities of the first class, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................ 458
Deferred annuity, provisions(Rumery).......................... 387
Hazardous employment, provide rebuttable presumptions of cause of certain defects or disease(Wiitala)...................... 640
Labor unions, prohibit firefighters from joining (H. Peterson, Hefner)...................................... 610
Lincoln, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458

FISH
Adopt an official state fish(Marsh)........................... 859

FISHING (See also Game and Fish)
Fishing permit, fee exemption, persons over age sixty-five (Burrows).. 905

FLOODS
Flood plain management, procedures(H. Peterson)............... 608
Flood plain management, provide(Wagner)....................... 955

FOOD
Certain permits and inspections, fee change(Appro. Comm.)..... 966

LB

Change permit requirements for temporary food service establishments(Remmers, R. Peterson)........................ 593
Eliminate food sales tax credit(Warner, Koch)................. 916
Increase food sales tax credit(Beutler)........................ 683
Nebraska Pure Food Act(Ag. & Env. Comm.)...................... 547
Public lodging and eating facilities, establish requirements (Wagner).. 897
Sales or use tax, prohibit, C.A.(Newell)...................... 773

FOREIGN EXPORT MARKET AND PORT DEVELOPMENT ACT, NEBRASKA
Adoption of(DeCamp)... 619

FOREIGN TRADE AUTHORITY
Creating(DeCamp).. 619

FORENSIC MEDICAL EXAMINER ACT, NEBRASKA
Adoption of(Landis, DeCamp, Fowler)........................... 180
Appropriation bill 180A

FOSTER CARE REVIEW ACT
Adoption of(DeCamp, Fenger)................................... 714
Appropriation bill 714A

FRANCHISES
Television, cable, require certain programming (Telecommunications Comm.)................................. 704

FUEL (See also Motor Vehicle Fuels, Gasoline)
Aircraft, taxation(Hefner, Fowler)............................ 169

FUNDS
Agricultural Alcohol Fuel Tax Fund, change amount of funds credited(Schmit)... 873
Appropriation bill 873A
Agricultural Products Marketing Cash Fund, Nebraska, creating (Appro. Comm.).. 942
Apiary Administrative Cash Fund, establish(Appro. Comm.)...... 966
Child Development Fund, creating(V. Johnson).................. 520
Appropriation bill 520A
Commission on Indian Affairs Cash Fund, creating (Appro. Comm.).. 966
Commission on the Status of Women Cash Fund, creating (Appro. Comm.).. 966
Community Health Services Fund, creating (V. Johnson, H. Peterson).................................. 762
Development Finance Fund, Nebraska, creating(Landis, Newell).. 817
Elected County Officers' Retirement Fund, creating(Rumery).... 424
Foreign Language Assistance Fund, creating(Wiitala)........... 710
Gifted Children Educational Program Fund, establishing (Hoagland, Sieck).. 423
Jail and Minimum Security Facility Construction and Improvement Fund, creating(Haberman).................................. 569
Local Professional Staff Development Fund, creating(Wiitala).. 443
Mexican-American Commission Cash Fund, creating(Appro. Comm.). 966
Mining Fund, creating(Cullan)................................. 550
Municipal and Educational Assistance Fund, creating(Sieck).... 153
Professional Practices Commission Fund, eliminate(Wiitala).... 641
Property Tax Relief Fund, creating(Fowler).................... 822
Pure Food Cash Fund, creating(Ag. & Env. Comm.)............... 547
Resources Development Fund, Ne., authorize additional sales tax to provide funds (Sieck, Wagner, Kahle, H. Peterson)......... 846
Retired State Employees Supplemental Benefits Fund, establish (Fowler).. 395

LB

Sales Tax Fund, Sales Tax Refund Fund, Driver Education Fund, creating(Warner, Koch)........ 916
Spanish-American War Fund, transfer to Nebraska Veterans' Aid Fund(Wagner)........ 696
State Fire Marshal Cash Fund, creating(Appro. Comm.)........ 966
State Investment Officer Cash Fund, establish(Appro. Comm.)... 966
Tax Reorganization and Consolidation Fund, creating (Schmit, Kahle, Wagner)........ 964
Tax Reorginization and Consolidation Fund, creating (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner). 524
Title Security and Vehicle Theft Prevention Fund, creating (Wiitala)........ 752
Transfer of certain cash funds to General Fund(Fowler)........ 699
Veterans' Aid Fund, increase (Fitzgerald, Wagner, Wesely, Chronister, Fowler, DeCamp, Hefner, Von Minden)........ 255
    Appropriation bill 255A
Water Management and Improvement Fund, Nebraska, creating (Kremer, Schmit)........ 945
Water Project Implementation Cash Fund, creating (Schmit, Von Minden, Wagner, R. Peterson)........ 527

FUNERAL DIRECTORS
Embalming and funeral directing licenses, fee increase (Pub. Health Comm.)........ 263

FUNERALS
Prearranged funeral agreements, allow Department of Health to audit trust funds(Kremer)........ 606
Public assistance, funeral payments, exclusion(Higgins)........ 314

GAME AND FISH
Fishing permit, fee exemption, persons over age sixty-five (Burrows)........ 905
Game animals killed on public highways, provide for disposition (Wagner)........ 588
Hunting, use of artificial light, prohibit(Cope)........ 680
Official state fish, adoption(Marsh)........ 859
Recreation Liability Act, change a definition (DeCamp, Kilgarin)........ 627
Restrict trapping of fur bearing animals within 200 yards of a residence(Warner)........ 583

GAME AND PARKS
Recreation Liability Act, change a definition (DeCamp, Kilgarin)........ 627

GAME AND PARKS COMMISSION
Appropriation, agency expense(Marvel, Req. of Gov.)........ 761
Employees injured in the line of duty, increase disability compensation(Burrows)........ 615
Game animals killed on public highways, provide for disposition (Wagner)........ 588
Lost fees, transfer of revenue(Const. Rev. Comm.)........ 75
    Appropriation bill 75A

GASOHOL COMMITTEE, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........ 761

GASOLINE (See also Motor Vehicle Fuels)
Excise tax repeal(Haberman)........ 25

GOVERNOR
Appropriations for expenses of Nebraska state government (Marvel, Req. of Gov.)........ 761

LB
Appropriations, provide for shift of appropriations within state agencies and make deficiency appropriations (Marvel, Req. of Gov.)........ 754
Board of Regents, appointment of three additional members (Hoagland)........ 736
Board of Regents, authorization to appoint three members, C.A. (Hoagland)........ 735
Boundary Commission, Nebraska, appointments(Pub. Works Comm.). 669
  Appropriation bill 669A
Capital construction, appropriations(Marvel, Req. of Gov.).... 164
Cigarettes, increase tax(Marvel, Req. of Gov.)........ 753
Comprehensive mental health care plan, submit by Director of Public Institutions (Hefner, R. Peterson, Chronister, DeCamp, Von Minden)........ 269
Corporate income and franchise taxes, change rates (Marvel, Req. of Gov.)........ 760
Development Finance Fund, Nebraska, annual report (Landis, Newell)........ 817
Emergency Medical Services, Board of, appointments (Kahle, Req. of Gov.)........ 533
Executive Coordinator for Natural Resources, appointment (Schmit, Von Minden, Wagner, R. Peterson)........ 527
Fire Prevention and Structural Safety Board, appointments (Wesely)........ 456
Foreign Trade Authority, Nebraska, appointments(DeCamp)........ 619
Forensic Medical Examiner Advisory Board, appointments (Landis, DeCamp, Fowler)........ 180
  Appropriation bill 180A
Legislature, salaries for members, provide for payment (Marvel, Req. of Gov.)........ 755
Library Systems Advisory Council, appointments(Koch)........ 638
Office of Information Prictices, appointment of director (DeCamp)........ 624
Plates, motor vehicle, defer issuance of new (Marvel, Req. of Gov., Warner)........ 759
Private Security Advisory Board, appointments(Chambers)........ 493
Public Service Commission, appointment of members, C.A. (Carsten)........ 803
Public transportation assistance program, provide for financing (Marvel, Req. of Gov.)........ 758
Revisor of Regulations, reports to(Admin. Rules Comm.)........ 97
Salary increase(Goodrich)........ 488
  Appropriation bill 488A
Sales and income tax rate setting, reduce minimum estimated receipts(Marvel, Req. of Gov.)........ 757
Sentencing Guidelines Commission, Nebraska, appointments (Landis, V. Johnson)........ 919
  Appropriation bill 919A
State agencies, expenses, appropriations (Marvel, Req. of Gov.)........ 162
State government, officers of, provide for payment of salaries (Marvel, Req. of Gov.)........ 756
State Patrol, use of Highway Trust Fund to finance (Marvel, Req. of Gov.)........ 971
State Scholarship Commission, appointments(Cullan, Koch)........ 946
Water Management Board, Nebraska, membership(Kremer, Schmit).. 945
Weather Modification Commission, eliminate (Schmit, Req. of Gov.)........ 542

GRAIN
Check off boards, provisions change(Schmit)........ 786
Grain Sorghum Development, Utilization, and Marketing Fund, provision change(Appro. Comm.)........ 942

LB

Public grain warehouses, license fee increase(Appro. Comm.)... 928
Warehouses, provide for personal sureties, periodic inspections, proof of financial responsibility, bonding requirements (Schmit).......... 847

GRANDPARENTS
Visitation rights (Higgins,Haberman,Nichol,Stoney,Rumery,Remmers, Kilgarin,Barrett,Kahle,H.Peterson,Chronister,Koch,Hefner,DeCamp, Wesely,Labedz,L.Johnson).......... 679

GREENBELT LAW
Agricultural land, restrictions(Newell).......... 412

GROUND WATER (See also Water, Natural Resources, Irrigation)
Control areas, adjoining district, hearing(Beutler).......... 94
Control areas, establish by election(Lamb, Koch).......... 401
Control areas, provide for a hearing, establish standards (Hoagland).......... 958
Damages limit for superior users of ground water (Pub. Works Comm.).......... 849
Domestic and municipal domestic users, give preference (Hoagland).......... 915
Interim control area, establishing(Pub. Works Comm.).......... 222
Management plan(Schmit, Kremer, Koch).......... 375
Well permits in control areas, change issuance and fees (Kremer).......... 670
    Appropriation bill 670A

GUARDIAN AND WARD
Incapacitated persons, appointment of guardian(V. Johnson).... 428
Ward of the state or court, payment of per pupil cost (Appro. Comm.).......... 942

HANDICAPPED PERSONS (See also Disabled Persons, specific headings)
Child Care and Development Services Act(V. Johnson).......... 520
    Appropriation bill 520A
Children, care and education, petition for judicial review(Beutler).......... 783
Children, transportation of, reimbursement to parent (Appro. Comm.).......... 942
Public buildings, accessibility, provisions(Fowler).......... 429
Special education programs, eliminate certain provisions (Educ. Comm.).......... 651

HEALTH CARE CERTIFICATE OF NEED ACT
Establish fees(Appro. Comm.).......... 966
Provisions change(Wesely, DeCamp, Schmit).......... 502
Provisions changes(Pub. Health Comm.).......... 378
    Appropriation bill 378A

HEALTH CARE FACILITY REPORTING ACT
Adoption of (Wesely, Kilgarin, Wiitala, V. Johnson).......... 880

HEALTH, DEPARTMENT OF
Advisory Council on Hospital and Medical Facilities, abolish (Pub. Health Comm.).......... 829
Advisory Council on Hospital and Medical Facilities, eliminate (Perf. Rev. Comm.).......... 934
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Cancer registry(V. Johnson).......... 212
    Appropriation bill 212A

LB
Cash Fund, program administration(Appro. Comm.)............... 966
Clinical counseling in medical facilities, fee assessment (Appro. Comm.)... 966
Community health services, provide grants to local health departments(V. Johnson, H. Peterson)......................... 762
Dental assistants, registration(Fowler)....................... 853
Dental hygienists, rules and regulations (Marsh, Kilgarin, Nichol, Wiitala, Warner, Fowler)........................... 920
Dentists, rules and regulations for facilities (Perf. Rev. Comm.)... 923
Health Care Facility Reporting Act (Wesely, Kilgarin, Wiitala, V. Johnson)....................................... 880
Infants, certain metabolic diseases, provide standards for testing(Pub. Health Comm.)................................. 831
Licensees, professional, investigation of violations (Banking Comm.).. 421
Pharmacists, requirements for examinations(Perf. Rev. Comm.).. 925
Psychologists, licensing of(Perf. Rev. Comm.)................. 927
Recreation camps, swimming pools, inspection fees (Appro. Comm.)... 966
Renal disease advisory committee, eliminate(Perf. Rev. Comm.). 934
Revisor bill to change provisions relating to substitution of terms(Exec. Bd.)....................................... 566
Serological test for syphilis, fee required(Landis)........... 863
Appropriation bill 863A
Special quarantine and sanitary regulations, costs to be paid by city, village, or county(Appro. Comm.)............ 966
Trust funds, allow audit(Kremer)............................. 606

HEALTH, DIRECTOR OF
Community Health Services Fund, administration of (V. Johnson, H. Peterson).................................. 762

HEALTH, STATE BOARD OF
Cancer registry(V. Johnson).................................. 212
Appropriation bill 212A
Medical students, selection of loan recipients, remove authority from Rural Health Manpower Commission(Appro. Comm.) 933

HEARING IMPAIRED
News and information system, provide(Fowler).................. 854
Appropriation bill 854A

HEARING IMPAIRED, COMMISSION FOR THE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Assess fees for services(Appro. Comm.)........................ 966

HEARINGS
Revisor of Regulations, public hearing requirement, eliminate (Admin. Rules Comm.)...................................... 784

HIGHWAYS (See also Roads)
Alcohol or drugs, driving under the influence of, penalty for persons involved in an accident (Haberman, Hoagland)....................................... 733
Alcohol or drugs, driving under the influence of, change provisions relating to revocation of operator's license (Vickers, Sieck)... 747
Alcohol or drugs, driving under the influence of, penalty change (Haberman, Hoagland)....................................... 568
Alcohol or drugs, driving under the influence of, penalty change (Stoney)... 870
Alcohol, driving under the influence of, consent to receive medically prescribed drug treatment(DeCamp)................. 618

LB
Bidders, rules and regulations changes(Fowler, Hoagland)...... 969
Bonds, highway construction and repair, authorize (Maresh, R. Peterson, Schmit, Hefner, Sieck)........................ 233
Bonds, issuance for highway construction(DeCamp)............. 622
Carrier without certification, provide notice to shippers and consignees(Beyer).. 655
Combines, extra wide, permit operation and transportation (Cullan)... 417
County roads, isolated lands, provide for public access (Labedz, L. Johnson)....................................... 239
Emergency vehicles, change definition(Pub. Health Comm.)...... 830
Employment driving permits, provide for revocation (Beyer, Apking, Cope).................................... 660
Highway Commission, State, eliminate(Perf. Rev. Comm.)........ 934
Interstate, prohibit new construction(Chambers)............... 364
Minimum maintenance roads, provide for(Kahle)................. 611
Motor vehicles, require child passenger restraint system (Marsh)... 69
Motor vehicles, windshield, window, and rear view window requirements, change(Pub. Works Comm.)...................... 763
Oversize vehicles, special permits, issuance(DeCamp).......... 408
Police vehicles, authorize display of certain flashing lights (Nichol).. 597
Public transportation assistance program, provide for financing (Marvel, Req. of Gov.).................................... 758
Scenic-recreational roads, repeal rules providing criteria for classification(Admin. Rules Comm.).......................... 649
Speed detection devices, provisions change(Chambers).......... 413
State Patrol, authorize use of unmarked patrol cars(Beutler).. 862
State Patrol, use of Highway Trust Fund to finance (Marvel, Req. of Gov.).................................... 971
Studded snow tires, allow use and sale (Labedz, L. Johnson, Higgins, DeCamp, Haberman, Nichol, Remmers)................. 824
Studded tires, allow wreckers or towing vehicles to use (Rumery).. 575
Towing vehicles, permit an exception to weight and length requirements(Nichol)...................................... 860
Vehicles carrying livestock, change weight and length restriction(Nichol).. 600
Width requirements on certain vehicles, provide exceptions (Kremer).. 694

HISTORICAL SOCIETY, STATE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Art work appropriation, eliminate for construction or remodeling of certain public buildings(23 Senators).................... 657

HOMESTEAD EXEMPTION (See also Revenue and Taxation)
Eliminate a provision, retain exemption for veterans over age 70 (Appro. Comm.)... 930
Elimination of(Newell).. 211
Increase(V. Johnson).. 142
Provide certain exemption rates, provide exemptions for renters, provide requirements for disabled persons (Revenue Comm.)... 740
Appropriation bill 740A
Provide for application forms, change notice requirements, disallow certain exemptions(Labedz)......................... 656
Veterans, exemption provisions(Schmit, Kahle, Wagner)......... 964

HORSE RACING
Registration of Nebraska-bred horses, designation of official registrar(Beyer)... 839

LB

Taxing provisions, change(Von Minden, Hefner, Goll).......... 631

HOSPITALS

Advisory Council on Hospital and Medical Facilities, abolish (Pub. Health Comm.).. 829

Advisory Council on Hospital and Medical Facilities, eliminate (Perf. Rev. Comm.).. 934

Bond issuance by hospital authorities(Newell, DeCamp)......... 952

County boards, change interest on warrants(Kahle)............ 703

Governing bodies of certain hospitals, include within the definition of a public body(V. Johnson)..................... 844

Health Care Facility Reporting Act (Wesely, Kilgarin, Wiitala, V. Johnson).. 880

Itemized hospital bill, provide for patients(Wiitala, Wesely). 835

Appropriation bill 835A

Licensing changes(Pub. Health Comm.)......................... 832

Medical assistance payments, provisions change(Cullan)........ 883

Nebraska Health Care Certificate of Need Act, provisions changes (Pub. Health Comm.).. 378

Appropriation bill 378A

HOTELS

Public lodging and eating facilities, establish requirements (Wagner)... 897

State Visitors' Promotion Cash Fund, provide for transfer of five percent of proceeds to General Fund(Fowler).......... 699

HOUSING

Housing authority commissioners, appointment changes (Urban Affrs. Comm.)..................................... 821

Joint housing authorities, provisions change (Urban Affrs. Comm.)..................................... 435

HUNTING AND FISHING (See also Game and Fish, Game and Parks Commission)

Hunting, use of artificial light, prohibit(Cope)............. 680

HUSBAND AND WIFE

Divorce, parental rights, termination, procedures change (Chronister)... 215

Temporary custody of children by district court during conciliation proceedings(Law Enf. Comm.).................... 720

INCOME TAX (See Sales and Income Tax)

INDEBTEDNESS

Authorize revenue bonds for acquisition and development of blighted or substandard areas, C.A.(Newell)................. 634

INDIAN AFFAIRS, COMMISSION ON

Charge fees for publications(Appro. Comm.)................... 966

INDUSTRIAL LOAN AND INVESTMENT COMPANIES

Insurance or guaranty of savings, require(Banking Comm.)...... 776

INDUSTRIAL RELATIONS, COMMISSION OF

Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

Powers and duties changes(Hefner)............................ 886

INDUSTRIAL SITING ACT

Adoption of(Cullan).. 473

INFANTS (See also Children, Minors, Juveniles)

LB
Aid to dependent children payments for unborn children, remove authorization (Pirsch, Stoney,(Von Minden, Hefner)........... 684
Certain metabolic diseases, provide standards for testing (Pub. Health Comm.).. 831
Child Care and Development Services Act(V. Johnson)........... 520
Appropriation bill 520A
Children, wards of the state, decrease assets allowed (Pub. Health Comm.).. 828
Juvenile court cases, Department of Public Welfare, powers and duties(Nichol).. 353
Nebraska Juvenile Code, clarification of provisions (Judiciary Comm.).. 787
Screening for metabolic diseases, fee assessment (Appro. Comm.)... 966

INFORMATION
Public employees and public officials, encourage disclosure of information concerning state government(Landis, Wesely)... 746
Uniform Information Practices Code(DeCamp)................... 624

INITIATIVE AND REFERENDUM
Municipal subdivisions, procedures(Landis)................... 807

INSANITY
Plea, prohibit use of when offense was committed under the influence of alcohol or drugs(Pirsch)....................... 612

INSPECTIONS
Fee increases(Appro. Comm.).................................. 928
Motor Vehicle Safety Inspection Act(Koch).................... 661
Nebraska Pure Food Act(Ag. & Env. Comm.)..................... 547
Safety inspection violations, motor vehicles, require owners to be responsible(Pirsch)................................. 613
State fire inspections of existing and new buildings, require (Judiciary Comm.).. 792

INSURANCE
Abortion insurance, repeal restriction(Fowler)............... 595
Agents, brokers, consultants, continuing education requirements (Banking Comm.).. 274
Appropriation bill 274A
Chiropractors, remove from certain insurance policy provisions (Schmit).. 894
Community Development Assistance Act(Landis)................. 707
Credit unions, group life insurance policies, remove a limitation(Banking Comm.).................................. 775
Credit unions, industrial loan and investment companies, require insurance or guaranty of savings(Banking Comm.)...... 776
Director of Insurance, prohibit adoption of certain rules and regulations(Banking Comm.)................................. 777
Motor vehicles, change policy requirements(Remmers)........... 137
Nursing home coverage, require definition(Burrows)............ 907
Prepaid dental service corporations, authorize(Marsh)......... 139
Appropriation bill 139A
Retired state employees, authorize continued enrollment in group health insurance program(Marvel, Req. of Gov.)...... 970
Appropriation bill 970A
Standards of valuation, interest rates, reserves, establish (Dworak).. 426
State employees, increase state contribution (Marvel, Req. of Gov.)..................................... 970
Appropriation bill 970A
Workmen's compensation insurance coverage for self-employed persons(Bus. & Labor Comm.)................................ 764

LB

INSURANCE, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Prepaid dental service corporations(Marsh)................... 139
Appropriation bill 139A

INSURANCE, DIRECTOR OF
Prepaid dental service corporations(Marsh)................... 139
Appropriation bill 139A
Rules and regulations, certain, prohibit adoption (Banking Comm.)... 777

INTENT (See Public Policy)

INTEREST (See also Usury)
Decrees and judgments, change date of accrual of interest (Cullan).. 804
Eliminate maximum rates(DeCamp).............................. 623
Installment loans, establish legislative intent(Clark)........ 941
Interest and dividends from intangible property, provide for tax (Burrows).. 695
Judgments, condemnation, modify interest rate(Nichol)......... 705
Loans, interest for certain escrow accounts, residential dwellings, provide(DeCamp)................................ 658
Small loan companies, interest and loan charges, modify (Clark)... 702
Variable interest rates on certain loans, provide (Banking Comm.)... 778

INTOXICATION (See also Alcoholism)
Driving under the influence of alcohol or drugs, change provisions relating to revocation of operators' licenses (Vickers, Sieck)... 747
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland)...................................... 568
Driving under the influence of alcohol or drugs, penalty change (Stoney).. 870
Driving under the influence of alcohol or drugs, penalty for persons involved in an accident(Haberman, Hoagland).......... 733
Driving under the influence of alcohol, consent to receive medically prescribed drug treatment(DeCamp).................. 618
Insanity plea, prohibit use of when offense was committed under the influence of alcohol or drugs(Pirsch)................... 612

INVESTMENT COUNCIL, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

INVESTMENTS
Investment companies under limited partnership, provide certain rights(Banking Comm.)............................... 589
Political subdivisions, funds, provisions(Schmit)............. 358
Public power districts, authorize additional investments (Vickers).. 644

IRRIGATION
Appropriation permits for instream use of surface water (Hoagland).. 152
Dam inspections by Department of Water Resources, eliminate (Appro. Comm.).. 933
Dams and reservoirs, provisions change(Dworak)................ 750
Ground water control areas, adjoining district, hearing (Beutler)... 94
Ground water control areas, establish by election(Lamb, Koch). 401

LB

Ground water control areas, provide for a hearing, establish standards(Hoagland)........ 958
Ground water management plan(Schmit, Kremer, Koch)........ 375
Ground water, domestic and municipal domestic users, give preference(Hoagland)........ 915
Ground water, interim control area, establishing (Pub. Works Comm.)........ 222
Ground water, reusing from irrigation water reuse pit (Pub. Works Comm.)........ 851
Reclamation districts, voting for district board members and continuance of district(Wesely)........ 508
Special water master, permit requirements for interbasin water transfers, provisions(Warner)........ 771
Water control areas, provisions change(Vickers, Beutler)........ 726
Water users, provide for priorities(Pub. Works Comm.)........ 850
Well permits in control areas, change issuance and fees (Kremer)........ 670
    Appropriation bill 670A

JAILS
Jail Standards Board, administration of funds for construction and improvement of jails(Haberman)........ 569
Sentence reduction for good behavior(Fowler)........ 231
Sheriffs, discontinue jailer fees(Chambers)........ 662
Victims of crime, provide restitution(Sieck)........ 818

JOINT PUBLIC POWER AUTHORITY ACT
Adoption of(Pub. Works Comm.)........ 852

JUDGES
Associate county judges, replace with clerk magistrates (Law Enf. Comm.)........ 723
Associate judges, retirement system, restrict membership (Nebr. Ret. Comm.)........ 461
County, provide for appointment of county judges pro tempore (Law Enf. Comm.)........ 723
District court judicial districts, define(Judiciary Comm.)........ 715
District court, Lancaster County, provide for additional judge (Marsh)........ 89
    Appropriation bill 89A
Election of Supreme Court and District Court judges, C.A. (Beyer, H. Peterson)........ 798
Judges Fund, Ne., provisions change(Goodrich)........ 399
Municipal court judge, provide for temporary assignment as county judge(Kilgarin, Beutler)........ 590
    Appropriation bill 590A
Retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)........ 458
Retirement, mandatory, allow completion of term(Hoagland)........ 902
Statewide powers, provide(Law Enf. Comm.)........ 721
Supreme Court, salary increase(Cullan)........ 603
    Appropriation bill 603A
Workmen's Compensation Court, increase number of judges (Kilgarin, Wiitala)........ 749
    Appropriation bill 749A

JUDGMENTS
Condemnation, modify interest rate(Nichol)........ 705
Decrees and judgments, change date of accrual of interest (Cullan)........ 804

JURIES
Jury summons, permit first-class mailing(Pirsch)........ 677

LB

JUVENILE COURT
Adolescents, mental health treatment, require consent prior to certain treatment(Wiitala) 836
Cases, Department of Public Welfare, powers and duties (Nichol) 353
Foster Care Review Act(DeCamp, Fenger) 714
Appropriation bill 714A
Nebraska Juvenile Code, clarification of provisions (Judiciary Comm.) 787
Probation positions, transfer to Field Probation Service (Beutler, Labedz, Beyer) 676
Appropriation bill 676A

JUVENILES (See Children, Infants, Minors)
Court cases, provide powers and duties to Department of Public Welfare(Nichol) 353

LABOR
Advisory councils to Commissioner, eliminate (Perf. Rev. Comm.) 934
Appeal Tribunal, Ne., creating(Landis) 410
Commissioner of, occupational health and safety reviews, establish fees(Appro. Comm.) 928
Disability compensation change for certain state employees injured in the line of duty(Burrows) 615
Elevators, provide a definition(Bus. & Labor Comm.) 659
Employers, provide negative balance rate schedules (Vickers, Hefner) 637
Employment Security Law, disqualification for benefits (Newell) 176
Employment security, employer contribution rates, change (Hefner) 690
Industrial Relations, Commission of, powers and duties changes (Hefner) 886
Labor organizations, provide choice to employee (Hefner, H. Peterson) 864
Medical examinations as a condition of employment(L. Johnson). 949
Musicians, unemployment benefits, change disqualification (Goodrich) 959
Unemployment benefits, allow deduction of retirement pension (Stoney) 617
Unemployment benefits, change conditions of eligibility (Nichol) 599
Unemployment benefits, change eligibility requirements, computation of benefits, provide for payment of child support (Bus. & Labor Comm.) 801
Unemployment benefits, change minimum and maximum weekly benefits(Bus. & Labor Comm.) 765
Unemployment benefits, provide an increased maximum benefit amount(Wiitala) 732
Unfair labor practices, classification of certain acts (Fowler) 944
Unions, prohibit certain public employees from joining (H. Peterson, Hefner) 610
Unlawful employment practices, authorize award of attorney's fees(V. Johnson) 843
Workmen's compensation insurance coverage for self-employed persons(Bus. & Labor Comm.) 764
Workmen's Compensation Law, provisions change (Kilgarin, Wiitala) 749
Appropriation bill 749A
Workmen's compensation, increase limits(Fowler) 115
Appropriation bill 115A

LABOR, COMMISSIONER OF
Railroad employees, provide with certain facilities(Burrows).. 937

LABOR, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

LAND
Agricultural, restrict use (Greenbelt law)(Newell)............ 412
Land reutilization authorities, cancellation of tax bills (Newell).. 630
Restrict use of land zoned as agricultural (Greenbelt Law) (Warner).. 743

LAND SURVEYORS, STATE BOARD OF EXAMINERS FOR
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

LAW ENFORCEMENT
Criminal proceedings, increase Law Enforcement Improvement Fund fee(Judiciary Comm.).. 717
Forensic Medical Examiner Act, Nebraska (Landis, DeCamp, Fowler).................................. 180
Appropriation bill 180A
Law Enforcement Improvement Fund fee, increase(Appro. Comm.).. 966
Law Enforcement Procedures Act(Chambers)..................... 414
Police Standards Advisory Council, Nebraska, eliminate (Perf. Rev. Comm.)... 934
Vehicular pursuits, change conditions of liability(Nichol).... 805

LAW ENFORCEMENT AND CRIMINAL JUSTICE, NEBRASKA COMMISSION ON
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Continuing legal education, fees change(Appro. Comm.)......... 966
Private Security Act(Chambers)................................ 493
Training center fees, change(Appro. Comm.).................... 966

LAW ENFORCEMENT PROCEDURES ACT, NEBRASKA
Adoption of(Chambers)... 414

LEASES
Oil and gas, allow foreign corporations and aliens to acquire (Clark).. 571

LEGISLATIVE COUNCIL
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

LEGISLATIVE INTENT (See Public Policy)

LEGISLATURE
Appropriations, legislative sessions, odd numbered years, provide, C.A.(Warner, Req. of Gov.)......................... 535
Board of Educational Lands and Funds, budget administrative costs, require legislative approval, C.A.(Warner).........LR. 198
Boundaries of 14th and 34th legislative districts, change (Misc. Subj. Comm.)... 685
Clerk of, disclosure of information concerning state government, report of employee(Landis, Wesely).............. 746
Clerk of, Health Care Facility Reporting Act, annual report (Wesely, Kilgarin,(Wiitala, V. Johnson)..................... 880
Clerk of, Nebraska Development Finance Fund, annual report (Landis, Newell).. 817
County employees, salary adjustment by Legislature(Chambers).. 281
Legislative Compensation Commission, creating, C.A. (Const. Rev. Comm.)... 474

LB

Legislators, provide for reinstatement to former employment after leaving office(Govt. Comm.)........................... 871
Lieutenant Governor, remove as presiding officer, C.A.(Koch).. 576
Members, salary, provide by law, C.A.(Labedz)................. 531
Membership and compensation increase, limit introduction of bills, C.A.(Cullan)... 416
Nebraska Boundary Commission, senator to be appointed by Governor(Pub. Works Comm.).............................. 669
.Appropriation bill 669A
Political subdivisions, new programs, require Legislature to appropriate funds, C.A.(Hefner)............................. 842
Provide a minimum number of legislative days the Legislature is to meet, C.A.(Koch, Haberman, DeCamp)..................LR 276
Salaries, provide for payment(Marvel, Req. of Gov.)........... 755
Sales and use tax, Legislature to set rate(Warner, Koch)...... 916
Transportation program, Department of Roads, Legislature to set appropriation(Fowler)........................... 698

LIABILITY (See also Product Liability)
Motor vehicle insurance, change policy requirements(Remmers).. 137
Public lodging and eating facilities, liability provisions (Wagner)... 897
Uniform Comparative Fault Act(Hoagland)...................... 432
Vehicular pursuits, law enforcement officers, change conditions of liability(Nichol)... 805

LIBRARIES
Library boards, allow collection of court costs and attorney fees (Beutler).. 825
Library Commission, appropriate funds from Sales Tax Fund (Warner, Koch)... 916

LIBRARY COMMISSION, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

LIBRARY SERVICES ACT, NEBRASKA
Adoption of(Koch)... 638

LICENSES AND PERMITS
Disabled persons, certain, authorize license plates(Kilgarin). 645
Electricians, license renewal changes(Koch).................. 605
Embalming and funeral directing licenses, fee increase (Pub. Health Comm.)... 263
Employment driving permits, provide for revocation (Beyer, Apking, Cope).. 660
Fishing permit, fee exemption, persons over age sixty-five (Burrows).. 905
Food service establishments, temporary, change permit requirements(Remmers, R. Peterson).......................... 593
Hospitals, licensing changes(Pub. Health Comm.)............... 832
License plate and safety inspection violations, require owners to be responsible(Pirsch)................................. 613
License plates, motor vehicles, establish a committee to design (Koch).. 785
Liquor license renewal, written protest to Liquor Control Commission(Schmit).. 838
Liquor licenses, prohibit where motor vehicle fuels are sold (Beyer)... 791
Liquor licensing, granting and renewing, provision change (Misc. Subj. Comm.)... 686
Liquor, provide an additional classification for off-sale beer and wine(Fenger)...................................... 616
Medicine and surgery, license renewal fee(Perf. Rev. Comm.)... 448

LB
Mining and Reclamation Act, Ne., permits(Cullan)............. 550
Motor vehicles, certain, licensing provisions, change(Warner). 383
Motor vehicles, personalized prestige license plates, fee increase(Appro. Comm.).. 928
Nurses, licensing of(Perf. Rev. Comm.)....................... 926
Operator's license for minors, require profile picture (Stoney)... 794
Operator's license, temporary, provide for persons residing in foreign countries(Rumery).................................. 877
Pharmacists, continuing education requirements (Perf. Rev. Comm.)... 925
Prestige license plates for self-propelled mobile homes and cabin trailers, permit(Koch)............................... 579
Professional licensees, reporting and investigation of violations(Banking Comm.).................................. 421
Professional licenses, renewal fee change(Pub. Health Comm.).. 263
Psychologists, provide for biennial license renewal (Perf. Rev. Comm.)... 927
Vehicles, oversize, special permits(DeCamp).................. 408
Water Well Drillers' Licensing Act, Nebraska(Haberman)........ 226
Appropriation bill 226A
Well permits in control areas, change issuance and fees (Kremer)... 670
Appropriation bill 670A

LICENSING LAW, NEBRASKA
Licensees, professional, investigation of violations (Banking Comm.).. 421

LID BILLS
Certain political subdivisions, exempt from Budget Limit Act of 1979(Nichols)... 596
Political subdivisions, budget limitations, increase from seven to nine percent(Sieck).................................... 153
Schools, transportation of children, tax, provisions change (Barrett).. 498

LIENS
Agister's liens, provide protection to feeders (Schmit, Hefner, Von Minden, Kahle)................................ 962
Construction Lien Act(Pirsch, Beutler)....................... 513
Livestock, furnishing of services(Goodrich).................. 528
Mechanic's, provisions change(Pirsch, Beutler)............... 514

LIEUTENANT GOVERNOR
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Remove as presiding officer of the Legislature, C.A.(Koch).... 576
Salary increase(Goodrich).................................. 488
Appropriation bill 488A

LINCOLN (See also Cities of the Primary Class)
Annexation of certain additions, allow exclusion(Warner)...... 636
Board of Education members, elect by district (Fowler, Landis, Wesely)................................... 688
District court, provide for additional judge(Marsh)........... 89
Appropriation bill 89A
Firefighters, police officers, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)...................... 458
Sales and use tax, authorization to increase(Landis).......... 591
Wyuka Cemetery, special taxes and assessments, payment (Wesely)... 237

LIQUOR (See also Alcoholic Liquors)
Beer, allow retail liquor licensees to sell in certain areas (Newell)... 888

LB
Driving under the influence of alcohol or drugs, penalty change (Haberman, Hoagland) 568
License renewal, use of written protest to Liquor Control Commission(Schmit) 838
License, prohibit where motor vehicle fuels are sold(Beyer)... 791
License, provide an additional classification for off-sale beer and wine(Fenger) 616
Licensing, fees, restrict liquor sales by nonprofit organizations, other provision changes(Misc. Subj. Comm.).... 686
Manufacturers, prohibit from participating in coupon plans (Misc. Subj. Comm.) 900
Minimum penalty for purchase of liquor using false or altered identification(Stoney) 809
Minors, prohibit alteration of identification to purchase liquor (Stoney) 869
Retailer, allow to exceed credit limitation period(Remmers)... 837
Samples, authorize distribution(Newell) 431

LIQUOR CONTROL COMMISSION
Appropriation(Hefner) 258A
Appropriation, agency expense(Marvel, Req. of Gov.) 761
License renewal, written protest to Liquor Control Commission (Schmit) 838

LITTER
Litter Reduction and Recycling Fund, provide for transfer of five percent of proceeds to General Fund(Fowler) 699
Products sold in returnable packages or containers, except from litter fee(Rumery) 840

LIVESTOCK
Agister's liens, provide protection to feeders (Schmit, Hefner, Von Minden, Kahle) 962
Beef Industry Development Act, Nebraska (Schmit, Wagner, Lamb, Nichol, DeCamp, Remmers, Sieck, Kahle) 953
    Appropriation bill 953A
Branding, provisions change(Ag. & Env. Comm.) 675
Certain diseases, eliminate compensation by state (Appro. Comm.) 933
Fee assessment for inspection, examination, test or treatment (Appro. Comm.) 966
Lien, furnishing of services(Goodrich) 528
Livestock or poultry establishment license, fee increase (Appro. Comm.) 928
Nebraska Pure Food Act(Ag. & Env. Comm.) 547
Pseudorabies Control Act(Ag. & Env. Comm.) 36
    Appropriation bill 36A
Vehicles carrying livestock, change weight and length restriction(Nichol) 600

LOANS
Auxiliary teller office, authorize making of loans(DeCamp).... 626
Debtor relief in consumer credit transactions(V. Johnson)..... 813
Development Finance Fund Act, Nebraska(Landis, Newell) 817
Industrial loan and investment companies, require insurance or guaranty of savings(Banking Comm.) 776
Installment loans, establish legislative intent(Clark) 941
Interest for certain escrow accounts, residential dwellings, provide(DeCamp) 658
Interest rates, maximum, eliminate(DeCamp) 623
Interest rates, variable, provide for(Banking Comm.) 778
Medical students, medical profession shortage area, selection of recipients by State Board of Health (Appro. Comm.) 933

LB
Personal, certain, provide for unequal payments (Banking Comm.)... 779
Real estate loans, aggregate limitations(Banking Comm.)....... 779
Savings and loan associations, subsidiary of, exempt from definition of loan broker(Goodrich)......................... 751
Small loan companies, interest and loan charges, modify (Clark).. 702
Student, provide for issuance and guarantee(Cullan, Koch)..... 946

LOBBYISTS
Registration fee increase(Appro. Comm.)...................... 928

LODGING
Public lodging and eating facilities, establish requirements (Wagner)... 897

LOTTERIES
Bingo, change certain playing card requirements and manner in which game is conducted(Labedz).......................... 808
Prizes, change amount to be awarded(Rumery).................. 841

MECHANIC'S LIEN
Construction Lien Act(Pirsch, Beutler)....................... 513
Provisions change(Pirsch, Beutler)........................... 514
Violation, penalty increase(Fowler).......................... 856

MEDICAL ASSISTANCE
Aid to dependent children assistance, aged, blind and disabled assistance, provisions change(Cullan)............... 883

MEDICAL SERVICES
Advanced Emergency Medical Care, Board of, membership change (Pub. Health Comm.).. 830
Blind, elderly, dependent children, provide(Appro. Comm.)..... 932
Emergency medical services and councils, provide for establishment(Pub. Health Comm.)........................... 830
Emergency Medical Services, Board of, creating (Kahle, Req. of Gov.).................................... 533
Medicare recipients, limit excess professional fees(Burrows).. 906
Require Department of Welfare to provide medical services for the poor(Cullan)... 602
  Appropriation bill 602A

MEDICARE AND MEDICAID
Medicaid, restriction of benefits(Cullan).................... 883
Medicare recipients, limit excess professional fees(Burrows).. 906

MEDICINE AND SURGERY
Board of Examiners, provisions changes(Perf. Rev. Comm.)...... 448
Cancer registry(V. Johnson).................................. 212
  Appropriation bill 212A
Forensic Medical Examiner Act, Nebraska (Landis, DeCamp, Fowler)................................... 180
  Appropriation bill 180A
License renewal, fee change(Pub. Health Comm.)................ 263

MEETINGS
Open public, restrictions and remedies(Hoagland).............. 956
State Board of Equalization and Assessment, meetings, require public notice(Beutler)...................................... 304

MENTAL HEALTH
Adolescents, require consent prior to certain treatment (Wiitala)... 836

LB

Comprehensive care plan, require development (Hefner, R. Peterson, Chronister, DeCamp, Von Minden)................. 269
Division of, rename from Division of Medical Services (Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck)..... 442
Mentally ill, hospital costs, increase certain fees (Appro. Comm.).. 966
Norfolk Regional Center, phaseout(Pub. Health Comm.).......... 415
Regional boards, funding changes(Kahle)....................... 635
State mental health plan(Pub. Health Comm.).................. 415

MENTAL RETARDATION
Agencies, funding(Lamb)....................................... 183
County of legal settlement, change definition(Von Minden)..... 667
Hospital costs, counties, increase certain fees(Appro. Comm.). 966
Medical services, provisions(Nichol).......................... 380
Office of, eliminate advisory committee(Perf. Rev. Comm.)..... 934
Regional offices, school districts, contract provision(Lamb).. 510
Residential facilities, mentally retarded, change age provisions (Pub. Health Comm.)... 264

MENTAL RETARDATION, DIVISION OF
Establish, Department of Community and Residential Services (Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck)..... 442

MEXICAN-AMERICANS, COMMISSION ON
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Charge fees for publications(Appro. Comm.).................... 966

MILITARY DEPARTMENT
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Federal surplus property program, transfer to Department of Correctional Services(Schmit)............................... 767
Appropriation bill 767A
Vehicles, removal of flashing light authorization(Nichol)..... 597

MILK
Permit, inspection, licensing fee changes(Appro. Comm.)....... 966

MINERALS, OIL AND GAS
Geothermal deposits, treat as mineral interests (DeCamp, Nichol)... 708
Nebraska Mining and Reclamation Act(Cullan).................. 550
Oil and gas leases, allow foreign corporations and aliens to acquire(Clark)... 571
Severance tax rates, increase(Burrows)....................... 943

MINING AND RECLAMATION ACT, NEBRASKA
Adoption of(Cullan).. 550
Adoption of(Clark, Nichol)................................... 772

MINORS (See also Children, Infants, Juveniles)
Identification to purchase liquor, prohibit alteration (Stoney)... 869
Motor vehicle operator's license, require profile picture (Stoney)... 794
Parental rights, divorce actions, procedures change (Chronister)... 215
Temporary custody of children by district court during conciliation proceedings(Law Enf. Comm.).................... 720

MOBILE HOMES
Mobile homes, mobile home lots, inspection and license fees (Appro. Comm.).. 966

LB
Permit prestige license plates(Koch)........................ 579

MORRILL HALL
Renovation of, provide appropriation(Wesely, Remmers, Rumery). 632

MORTGAGES
Development Finance Fund Act, Nebraska(Landis, Newell)........ 817
Foreclosures, change period of stay(DeCamp).................. 625
Loans, interest for certain escrow accounts, residential dwellings, provide(DeCamp)................................ 658

MOTELS
Public lodging and eating facilities, establish requirements (Wagner).. 897

MOTOR VEHICLE FUELS
Agricultural Alcohol Fuel Tax Fund, change amount of funds credited(Schmit)... 873
Appropriation bill 873A
Dealers, change shrinkage allowance(Newell, V. Johnson)....... 914
Excise tax repeal(Haberman).................................. 25
Licenses and permits, fee increases(Appro. Comm.)............. 928
Liquor licenses, prohibit where motor vehicle fuels are sold (Beyer)... 791
Provide exception from delivery tickets(Hefner)............... 678
Provide for the transfer of certain cash funds to the General Fund(Fowler)... 699
Purchase option, authorization(Fenger, Hefner)................ 793
Reward for disclosure of nonpayment of motor vehicle fuel tax (Revenue Comm.)... 903
Appropriation bill 903A
Special fuels tax prepaid user permit, provide(Revenue Comm.). 903
Appropriation bill 903A

MOTOR VEHICLE INDUSTRY LICENSING BOARD, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

MOTOR VEHICLE SAFETY INSPECTION ACT
Adoption of(Koch).. 661

MOTOR VEHICLES
Abstracts of motor vehicle operating records, increase fee (Marsh)... 673
Alcohol or drugs, driving under the influence of, change provisions relating to revocation of operators' licenses (Vickers, Sieck).. 747
Alcohol or drugs, driving under the influence of, penalty change (Haberman, Hoagland)...................................... 568
Alcohol or drugs, driving under the influence of, penalty change (Stoney).. 870
Alcohol or drugs, driving under the influence of, penalty for persons involved in an accident(Haberman, Hoagland).......... 733
Alcohol, driving under the influence of, consent to receive medically prescribed drug treatment(DeCamp)................. 618
Carrier without certification, provide notice to shippers and consignees(Beyer)... 655
Certificate of title, provisions change(Wiitala).............. 752
Combines, extra wide, permit operation and transportation (Cullan).. 417
Disabled persons, certain, authorize license plates(Kilgarin). 645
Employment driving permits, provide for revocation (Beyer, Apking, Cope).................................... 660
Farm trucks, change definition(Kremer, Schmit, Cullan)........ 874

LB
Insurance policies, change requirements(Remmers)............. 137
License plates, establish a committee to design(Koch)......... 785
License plates, personalized prestige, fee increase (Appro. Comm.).. 928
Licenses, school and instructor's licenses, fee increase (Appro. Comm.).. 928
Livestock, vehicles carrying, change weight and length restriction(Nichol).. 600
Minors, temporary permit, fee increase(Appro. Comm.).......... 928
Motor Vehicle Safety Inspection Act(Koch).................... 661
Motor vehicles, occasional sales, exempt from sales tax (Newell, V. Johnson)....................................... 914
Operator's license for minors, require profile picture (Stoney)... 794
Operator's license, temporary, provide for persons residing in foreign countires(Rumery).................................. 877
Oversize vehicles, issuance of special permits(DeCamp)........ 408
Passenger restraint system for children, require(Marsh)....... 69
Plates, defer issuance of new (Marvel, Req. of Gov.,(Warner).. 759
Prestige license plates for self-propelled mobile homes and cabin trailers, permit(Koch).............................. 579
Publicly owned, registration fee exemption(Vickers, Wesely)... 98
Radar detection and transmission devices, prohibit (Vickers, Von Minden).. 32
Appropriation bill 32A
State Patrol, authorize use of unmarked patrol cars(Beutler).. 862
State Patrol, power to restrict traffic (Kilgarin, Beyer, Newell, Koch, Fitzgerald)................................ 546
Studded tires, allow use and sale (Labedz, Kilgarin, L. Johnson, Higgins, DeCamp, Haberman, Nichol, Remmers)................. 824
Studded tires, allow wreckers or towing vehicles to use (Rumery).. 575
Title certificate, fee increase(Appro. Comm.)................. 928
Towing vehicles, permit an exception to weight and length requirements(Nichol).. 860
Truck, truck-tractor, trailer, semitrailer, registration and licensing provisions, change(Warner).................... 383
Violations, license plate and safety inspection, require owners to be responsible(Pirsch)................................. 613
Well-boring equipment for transporting, motor vehicle registration exemption(Lamb).. 511
Width requirements on certain vehicles, provide exceptions (Kremer).. 694
Windshield, window, and rear view window requirements, change (Pub. Works Comm.)... 763

MOTOR VEHICLES, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Employment driving permit, fee increase(Appro. Comm.)......... 928
Fee for certified abstract of an operating record (Appro. Comm.).. 966

MOTOR VEHICLES, DIRECTOR OF
Operator's license for minors, require profile picture (Stoney)... 794
Title Security and Vehicle Theft Prevention Fund, administration of(Wiitala).. 752

MUNICIPAL COURT (See also Courts)
Municipal court judge, provide for temporary assignment as county judge(Kilgarin, Beutler).............................. 590
Appropriation bill 590A

MUNICIPALITIES
Annual municipal audits, provisions change(Vickers)........... 887

LB

Cable utility systems, allow certain ownership
(DeCamp, Schmit)... 731
City sales tax, right to levy, eliminate
(Schmit, Kahle, Wagner).................................... 964
Income tax, authorization(Remmers)......................... 373
Initiative and referendum measures, municipal subdivisions,
procedures(Landis)... 807
Recall petitions and ballots, require statement of grounds
(Kahle).. 899

MUSICIANS
Unemployment benefits, change disqualification(Goodrich)...... 959

NATIONAL GUARD
Incentive payment provisions for enlistment, change
(Govt. Comm.).. 681
Labor unions, prohibit employees from joining
(H. Peterson, Hefner)...................................... 610

NATURAL GAS
Require carbon monoxide detection devices on natural gas-burning
equipment(Warner).. 584

NATURAL RESOURCES
Executive Coordinator for Natural Resources, creating office
(Schmit, Von Minden, Wagner, R. Peterson).................. 527

NATURAL RESOURCES COMMISSION, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Flood plain management(H. Peterson)........................... 608
Membership composition, change(Wagner)........................ 885
Resources Development Fund, Nebraska, authorize additional sales
tax to provide funds (Sieck, Wagner, Kahle, H. Peterson)..... 846
Soil and water conservation benefits, projects providing
(Pub. Works Comm.)... 148
Soil erosion, regulations for control(Kahle).................. 149
Transfer of functions to Department of Water Resources
(Schmit, Von Minden, Wagner, R. Peterson).................. 527

NATURAL RESOURCES DISTRICTS
Board of directors, change representation(Landis, Wesely)..... 700
Ground water management plan(Schmit, Kremer, Koch)............ 375
Revisor bill to harmonize provisions(Exec. Bd.)............... 565

NEWSPAPERS
Legal notices, provide for increase in rate(DeCamp)........... 629
Appropriation bill 629A

NORFOLK REGIONAL CENTER
Phaseout, provisions(Pub. Health Comm.)....................... 415

NOTICES
Legal notices, provide for increase in rate(DeCamp)........... 629
Appropriation bill 629A
Legal, publication and rate changes(Hoagland)................. 910
Loans, interest rate increase, notice required(Banking Comm.). 778
State Board of Equalization meetings, require public
notice(Beutler).. 304

NURSES AND NURSING
Continue Board of Nursing; provide for examination, licenses,
fees(Perf. Rev. Comm.)..................................... 926
Nebraska Nursing Home Act (Higgins, Labedz,
DeCamp, Rumery, Kremer).................................... 768
Appropriation bill 768A

LB

NURSING HOME ACT, NEBRASKA
Adoption of (Higgins, Labedz, DeCamp, Rumery, Kremer)......... 768
Appropriation bill 768A

NURSING HOMES
Board of Examiners in Nursing Home Administration, additional duties(Perf. Rev. Comm.)................................... 934
Insurance coverage, define(Burrows)........................... 907
Licensing changes(Pub. Health Comm.).......................... 832
Nebraska Nursing Home Act (Higgins, Labedz, DeCamp, Rumery, Kremer)................................... 768
Appropriation bill 768A
Nursing Home Advisory Council, eliminate(Perf. Rev. Comm.).... 934

NURSING, BOARD OF
Continuation of board, provide for examinations, licenses, fees (Perf. Rev. Comm.)... 926

OBSOLETE STATUTES
Repeal of(Exec. Bd.).. 592

OFFICE OF INFORMATION PRACTICES
Creating(DeCamp).. 624

OIL
Inspections, fee change(Appro. Comm.)......................... 966
Oil and gas severance tax rates, increase(Burrows)............ 943

OIL AND GAS CONSERVATION COMMISSION, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Nebraska Mining and Reclamation Act(Cullan)................... 550
Nebraska Mining and Reclamation Act(Clark, Nichol)............ 772

OMAHA (See also Cities of the Metropolitan Class)
City council candidates, require petition and filing fee (Pirsch)... 701
City council, extension of city boundaries, limit powers (Beyer).. 904
Douglas county commissioners, provide for district election (Chambers, V. Johnson, Koch, Kilgarin)....................... 921
Limit merger, consolidation and annexation powers(Koch)....... 574
School district, authorize conveyance of certain school land (V. Johnson, Hoagland).................................... 845
Technical colleges, remove construction restriction(Beyer,Fenger, Duda,Labedz,Hoagland,Goll,L.Johnson,Koch,Wiitala,Pirsch,Kilgarin, Chambers,Newell,V.Johnson)................................ 827
University of Nebraska, conduct a study of space requirements, provide a transportation subsidy(Hoagland).................. 957
Utilities districts, change payments to cities and villages (Pirsch, Fenger, Kilgarin)................................ 881

OMBUDSMAN
Establish position of Ombudsman for Corrections(Schmit)....... 674

OPTOMETRY
Board of Examiners, continue; require majority of board members to be present at certain examinations(Perf. Rev. Comm.)...... 449
License renewal, fee change(Pub. Health Comm.)................ 263

OSTEOPATHY
License renewal, fee change(Pub. Health Comm.)................ 263

PARDONS, BOARD OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

LB

PAROLE, BOARD OF
Change of duties(Judiciary Comm., Koch)...................... 788

PARTNERSHIPS
Correct a date and harmonize provisions(Exec. Bd.)............ 563
Provide rights for particular limited partnerships (Banking Comm.)... 589

PENAL AND CORRECTIONAL COMPLEX, NEBRASKA
Prisoners, certain, payment by county(Nichol)................. 242

PENSIONS (See Retirement)

PERFORMANCE REVIEW AND AUDIT COMMITTEE
Change of duties(Wesely, Warner)............................ 795

PERMITS (See Licenses and Permits)

PERSONAL PROPERTY
Debt management business license, fee increase(Appro. Comm.).. 928
Sale of, cities of the second class and villages(Goll)........ 909

PERSONAL PROPERTY TAX (See also Revenue and Taxation)
Property assessment, taxation provisions change (Revenue Comm.)... 741

PERSONNEL, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Public employees, accumulated sick leave, credit to retirement account(Newell)... 912

PESTICIDES
Pesticide Applicator Certification Cash Fund, creating (Appro. Comm.)... 966
Private and commercial applicator's certificate, fee (Appro. Comm.)... 966

PETITIONS
Initiative and referendum, change provisions(Hefner).......... 647
Recall petitions and ballots, require statement of grounds (Kahle)... 899

PHARMACISTS
License renewal, fee change(Pub. Health Comm.)............... 263

PHARMACY
Board of Examiners, examinations, continuing education requirements, inspection requirements(Perf. Rev. Comm.)...... 925

PHYSICAL THERAPY
License renewal, fee change(Pub. Health Comm.)............... 263

PHYSICALLY HANDICAPPED (See Handicapped Persons)

PHYSICIANS AND SURGEONS (See also Medicine and Surgery)
Forensic Medical Examiner Act, Nebraska (Landis, DeCamp, Fowler)................................. 180
Appropriation bill 180A
Professional fees, limit excess for Medicare recipients (Burrows).. 906

PODIATRISTS
License renewal, fee change(Pub. Health Comm.)............... 263

LB

PODIATRY
Board of Examiners, provisions change(Perf. Rev. Comm.)....... 450

POLICE OFFICERS
Cities of the first class, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
Hazardous employment, provide rebuttable presumptions of cause of certain defects or disease(Wiitala)...................... 640
Labor unions, prohibit joining(H. Peterson, Hefner)........... 610
Law Enforcement Procedures Act(Chambers)...................... 414
Lincoln, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.).. 458
Police Standards Advisory Council, Nebraska, eliminate (Perf. Rev. Comm.).. 934
Retirement system for first class cities (Fenger,R.Peterson, Remmers,Cope,Apking,Duda,L.Johnson,H.Peterson,Nichol,Carsten, DeCamp,Von Minden,Beyer,)................................. 936
Vehicles, authorize display of certain flashing lights (Nichol).. 597
Vehicular pursuits, change conditions of liability(Nichol).... 805

POLICY RESEARCH OFFICE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT
County zoning commissions, financial interest statements, remove requirement(Haberman, Von Minden)........................... 687
Repeal(Misc. Subj. Comm., DeCamp)............................. 689

POLITICAL ACCOUNTABILITY AND DISCLOSURE COMMISSION
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

POLITICAL SUBDIVISIONS
Budget Limit Act of 1979, exempt certain political subdivisions (Nichols)... 596
Budget limitations, increase from seven to nine percent (Sieck)... 153
Budget statements, requirements change(Govt. Comm.)........... 444
Counties, allow maintenance of certain streets, roads, and sewers(Wiitala)... 872
Delinquent accounts, collection(Perf. Rev. Comm.)............. 931
Fire Marshal, State, delegate authority to political subdivisions(Nichol)... 711
Funds, investment or deposit, provisions(Schmit).............. 358
Initiative and referendum measures, municipal subdivisions, procedures(Landis)... 807
New programs, require Legislature to appropriate funds, C.A. (Hefner).. 842
Permit two or more political subdivisions to be classified as self-insurers for workmen's compensation benefits(DeCamp).... 917
Property Tax Relief Fund, creating(Fowler).................... 822
Property Tax Relief Fund, distribution of oil and gas severance tax funds(Burrows)... 943
Property Tax Relief Fund, eliminate provisions(Schmit)........ 963
Public employees, day care services, authorize(V. Johnson).... 800
Recreation Liability Act, change a definition (DeCamp, Kilgarin)... 627
Redistricting, creating districts, apportionment, establish requirements(Misc. Subj. Comm.)..................... 815
State aid(Schmit)... 963
State aid(Schmit, Kahle, Wagner).............................. 964
State aid to political subdivisions from sales tax revenue (Warner, Koch)... 916

LB

State aid, distribution(Revenue Comm.)........................ 816
Appropriation bill 816A
State aid, distribution(DeCamp)................................ 898
State aid, provisions (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner)....................................... 524
Tort Claims Act, allow attorney's fees(Hoagland).............. 340
Waiver of rights for prescribed investments, allow(Goodrich).. 960

POLLUTION (See Environmental Control)

POSTSECONDARY EDUCATION
Citizens over 60 years of age, tuition free enrollment(Koch).. 578
Coordinating Commission for Postsecondary Education, appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Coordinating Commission for Postsecondary Education, change power and duties(Educ. Comm.)..................................... 650
Coordinating Commission for Postsecondary Education, terminate (Cullan).. 507
Technical community colleges, provide programs for handicapped persons over the age of eighteen(Koch)...................... 896

POULTRY
Ne. Poultry and Egg Development, Utilization, and Marketing Fund, provision change(Appro. Comm.)......................... 942

POWER (See also Public Power, Electricity)
Industrial Siting Act(Cullan).................................. 473

POWER REVIEW BOARD, NEBRASKA
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

PRISONS AND PRISONERS
Jails, sentence reduction for good behavior(Fowler)........... 231
Parole granting, provide standards(Koch)...................... 372
Appropriation bill 372A
Prisoners, change provisions relating to statute of limitations, furloughs and release of prisoners, reduction of sentences (Judiciary Comm., Koch)..................................... 788
Prisoners, Department of Corrections adult correctional facility, cost of maintenance to be paid by state(V. Johnson).......... 965
Prisoners, Penal Complex, payment by county(Nichol)........... 242
Prisoners, require their partial payment of costs of confinement, support of familiies, restitution to crime victims(DeCamp)... 745
Sentences of persons convicted for assault while in custody, eliminate credit for time served(Pirsch).................... 465

PRIVATE SECURITY ACT
Adoption of(Chambers)... 493

PROBATE
Ne. Probate Code, incapacitated persons, appointment of guardian(V. Johnson).. 428

PRODUCT LIABILITY (See Liability)

PRODUCTS
Nebraska Foreign Export Market and Port Development Act (DeCamp)... 619
Products sold in returnable packages or containers, except from litter fee(Rumery)... 840

PROPERTY
Authorize revenue bonds for acquisition and development of blighted or substandard areas, C.A.(Newell).............. 634

LB

Computer-assisted valuation of real property, provide(Koch)... 581
Development Finance Fund Act; bonds for blighted or substandard areas(Landis, Newell).. 817
Leases, oil and gas, allow foreign corporations and aliens to acquire(Clark).. 571
Sale of real estate for nonpayment of taxes or special assessments, C.A.(Const. Rev. Comm.)......................... 766
Substandard or blighted property, change finance provisions relating to redevelopment, C.A.(Goodrich).................... 672
Substandard or blighted, probide for rehabilitation, C.A. (V. Johnson).. 730

PROPERTY TAX (See also Revenue and Taxation)
Electrical transmission and distribution facilities, transformers, and substation facilities, exempt from taxation (Sieck).. 734
Interest and dividends from intangible property, provide for tax (Burrows).. 695
Local Government Revenue Fund, extend payments for one year (DeCamp).. 898
Political Subdivision Property Tax Relief Fund, eliminate provisions(Schmit)... 963
Political subdivisions, state aid to (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner).......................... 524
Property Tax Relief Fund, creating(Fowler).................... 822
Restrict tax rate on property to a percentage of its value, C.A. (Fenger).. 671
Substandard or blighted property, authorize legislation to abate property taxes, C.A.(Landis).......................... 706

PSEUDORABIES CONTROL ACT
Adoption of(Ag. & Env. Comm.)................................ 36
    Appropriation bill 36A

PSYCHOLOGISTS
Board of Examiners, continue(Perf. Rev. Comm.)................ 927
Social psychologists, define(Perf. Rev. Comm.)................ 927

PUBLIC EMPLOYEES
County employees, salary adjustment by Legislature(Chambers).. 281
Day care services, authorize(V. Johnson)...................... 800
Disability compensation change for certain state employees injured in the line of duty(Burrows)......................... 615
Disclosure of information concerning state government, encourage(Landis, Wesely).................................. 746
Hazardous employment, provide rebuttable presumptions of cause of certain defects or disease(Wiitala)....................... 640
Insurance, state employees, increase state contribution (Marvel, Req. of Gov.).................................. 970
    Appropriation bill 970A
Labor unions, prohibit certain public employees from joining (H. Peterson, Hefner)...................................... 610
Mandatory retirement, eliminate(Rumery)....................... 287
Part time employment, persons over age 70 receiving retirement benefits, allow(Fowler)................................... 810
Retired state employees, authorize continued enrollment in group health insurance program(Marvel, Req. of Gov.)......... 970
    Appropriation bill 970A
Retirement benefits, supplemental, provisions(Fowler)......... 395
Retirement system, contributions, state employees, provisions change(Wesely).................................. 365
Salary increase for employees working night hours(V. Johnson). 879
    Appropriation bill 879A

LB
School employees, retirement age increase(Newell)............ 131
Sick leave, accumulated, credit to retirement account(Newell). 912
State Employees Retirement Act, membership change (Pirsch, Kilgarin).. 240
State employees, salary appropriation(Marvel, Req. of Gov.)... 761
State, salary increase(Marvel, Req. of Gov.)................. 761
University and state college personnel, allow an annual increase in retirement benefits(Fowler)............................ 811

PUBLIC HEALTH AND WELFARE (See also Welfare, Department of Public)
Abortion procedures, provide requirements for(DeCamp)......... 620
Advisory Council on Hospital and Medical Facilities, abolish (Pub. Health Comm.).. 829
Advisory Council on Public Water Supply, eliminate (Perf. Rev. Comm.)... 934
Birth and death certificates, amending(Nichol)................ 802
Cancer registry(V. Johnson)................................. 212
 Appropriation bill 212A
Certificate of Need Act, Ne. Health Care, provisions changes (Pub. Health Comm.).. 378
 Appropriation bill 378A
Child Care and Development Services Act(V. Johnson)........... 520
 Appropriation bill 520A
Child care facilities, provisions change(Burrows)............. 270
Child care licensing, fee increase(Appro. Comm.).............. 928
Child care, license fee change(Appro. Comm.).................. 966
Child support payments, delinquent, collection fee (Nichol, Cullan)... 834
Child support, provide for payment from unemployment benefits (Bus. & Labor Comm.)....................................... 801
Chiropractic, Board of Examiners in, eliminate termination (Perf. Rev. Comm.)... 924
Community health education programs, fees for publications (Appro. Comm.).. 966
Dental assistants, provide for registration(Fowler)........... 853
Dental hygienists, additional duties (Marsh, Kilgarin, Nichol, Wiitala, Warner, Fowler)................................. 920
Dentistry, Board of Examiners, continue(Perf. Rev. Comm.)..... 923
Embalming and funeral directing licenses, fee increase (Pub. Health Comm.).. 263
Emergency medical services and councils, provide for establishment(Pub. Health Comm.)........................... 830
Emergency Medical Services, Board of, duties (Kahle, Req. of Gov.)...................................... 533
Health Care Certificate of Need Act, provisions change (Wesely, DeCamp, Schmit)................................. 502
Health, Department of, revisor bill to change provisions relating to substitution of terms(Exec. Bd.)........................ 566
Hospitals and nursing homes, licensing changes (Pub. Health Comm.).. 832
Housing authority commissioners, appointment changes (Urban Affrs. Comm.)....................................... 821
Infants, certain metabolic diseases, provide standards for testing(Pub. Health Comm.)................................ 831
Infants, screening for metabolic diseases, fee assessment (Appro. Comm.).. 966
Licensees, professional, investigation of violations (Banking Comm.)... 421
Lodging and eating facilities, establish requirements(Wagner). 897
Medical students, transfer selection of certain loan recipients to State Board of Health(Appro. Comm.)...................... 933
Medicare recipients, limit excess professional fees(Burrows).. 906

LB

Mental health regional boards, funding changes(Kahle)......... 635
Mental health, drug abuse, and alcoholism programs, funding (Appro. Comm.)... 942
Norfolk Regional Center, phaseout(Pub. Health Comm.).......... 415
Nursing Home Act, Nebraska (Higgins, Labedz, DeCamp, Rumery, Kremer).................................. 768
 Appropriation bill 768A
Nursing, Board of, continuation of board, provide for examination, licenses, fees(Perf. Rev. Comm.).................. 926
Optometry, Board of Examiners, continue; require majority of board members to be present at certain examinations (Perf. Rev. Comm.)... 449
Podiatry, Board of Examiners, provisions change (Perf. Rev. Comm.)... 450
Psychologists, Board of Examiners, continue(Perf. Rev. Comm.). 927
Radiation advisory council, eliminate(Perf. Rev. Comm.)....... 934
Senior nutrition programs, receive first priority of federal block grant funds(Cullan).................................. 884
Serological test for syphilis, fee required(Landis)........... 863
 Appropriation bill 863A
Special education programs, eliminate certain provisions (Educ. Comm.)... 651
State mental health plan(Pub. Health Comm.).................. 415
Trust funds, allow Department of Health to audit(Kremer)...... 606
Welfare programs, transfer from counties to state (V. Johnson, Cullan)....................................... 522
 Appropriation bill 522A

PUBLIC INSTITUTIONS, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Medical services, confined persons, provisions(Nichol)........ 380
Mental retardation agencies, funding(Lamb).................... 183
Organizational changes (Chronister, Beyer, Von Minden, Nichol, Chambers, Sieck).................................. 442
Residential facilities, mentally retarded, change age provisions (Pub. Health Comm.)....................................... 264

PUBLIC INSTITUTIONS, DIRECTOR OF
Mental health care plan, comprehensive, preparation (Hefner, R. Peterson, Chronister, DeCamp, Von Minden)................. 269

PUBLIC LANDS AND BUILDINGS
Adoption of codes for accessibility(Fowler).................. 429

PUBLIC POLICY
Appropriation permits for instream use of surface water (Hoagland).. 152
Cancer registry(V. Johnson).................................. 212
 Appropriation bill 212A
Community Aging Services Act, Nebraska (Fowler, Maresh, Wesely, DeCamp, Rumery, Marvel)............................. 404
 Appropriation bill 404A
Community Development Assistance Act(Landis).................. 707
Comprehensive mental health care plan, development (Hefner, R. Peterson, Chronister, DeCamp, Von Minden)................. 269
Development Finance Fund, Nebraska(Landis, Newell)............ 817
Employees and public officials, encourage disclosure of information concerning state government(Landis, Wesely)...... 746
Equal Opportunity in Education Act, Nebraska (DeCamp, Fowler, Beutler, Wiitala, Newell, Koch, Vickers, Kilgarin)... 628
Executive Coordinator for Natural Resources, creating office (Schmit, Von Minden(Wagner, R. Peterson).................... 527
Flood plain management, procedures(H. Peterson).............. 608

LB
Industrial Siting Act(Cullan).............................. 473
Interstate highways, freeways, prohibit new construction (Chambers).. 364
Law Enforcement Procedures Act(Chambers).................... 414
Nebraska Foreign Export Market and Port Development Act (DeCamp).. 619
Nebraska Library Services Act(Koch)......................... 638
Parole granting, provide standards(Koch).................... 372
Appropriation bill 372A
Private Security Act(Chambers).............................. 493
Pseudorabies Control Act(Ag. & Env. Comm.).................. 36
Appropriation bill 36A
Schools, financing of, impose income tax(Sieck)............. 219

PUBLIC POWER DISTRICTS
Authorize additional investments(Vickers).................... 644
Bid requirements, exemption(Wesely, Vickers)................. 889
Cable utility systems, allow certain ownership (DeCamp, Schmit).. 731
Certain employees' salaries, eliminate board approval requirement(Goodrich)...................................... 739
Elections, division of voting precincts, authorization (Govt. Comm.).. 198
Electrical generating capacity, excess, provision (Lamb, Kremer).. 400
Joint Public Power Authority Act(Pub. Works Comm.)........... 852

PUBLIC SERVICE COMMISSION
Application, complaint, or petition, increase filing fee (Appro. Comm.)... 928
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Carrier without certification, provide notice to shippers and consignees(Beyer)... 655
Common carriers, rates and services(Clark)................... 633
Inadequate exchange telephone service, restrict finding (Telecommunications Comm.)................................ 229
Limit rate regulation of small telephone companies(Clark)..... 573
Members to be appointed by Governor, C.A.(Carsten)........... 803
Motor carriers, fee increase(Appro. Comm.)................... 928
Railroad cabooses, standards for(Fowler, Sieck).............. 230
Securities, application fee increase(Appro. Comm.)........... 928

PUBLIC WELFARE (See Public Health and Welfare, Welfare, Department of Public)

PUBLICATIONS
Legal notices, provide for increase in rate(DeCamp).......... 629
Appropriation bill 629A

PURE FOOD ACT, NEBRASKA
Adoption of(Ag. & Env. Comm.)............................... 547

RACING COMMISSION, STATE
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Registration of Nebraska-bred horses, designation of official registrar(Beyer)... 839

RADAR
Motor vehicles, detection and transmission devices, prohibit (Vickers, Von Minden)...................................... 32
Appropriation bill 32A
Speed detection devices, provisions change(Chambers).......... 413

RADIATION
Radiation advisory council, eliminate(Perf. Rev. Comm.)....... 934

LB

RAILROADS
Cabooses, utilization of, provisions(Fowler, Sieck)........... 230
Department of Roads, authorize to acquire certain property (Pub. Works Comm.)... 742
Facilities for employees, provide(Burrows)................... 937
Grade Crossing Protection Fund, transfer five percent to General Fund(Fowler)...................................... 699

REAL ESTATE (See also Real Property)
Assessments, time of completion, filing of protests(Fowler)... 857
Bank loans, aggregate limitations(Banking Comm.).............. 779
Banks and trust companies, prohibit transactions (Kilgarin, DeCamp).. 918
Banks, provide for interest on escrow accounts, residential dwellings(DeCamp).. 658
Construction Lien Act(Pirsch, Beutler)....................... 513
Foreclosure proceedings, authorize attorney fees(Goodrich).... 867
Land Reutilization Authority, cancellation of tax bills (Newell)... 630
Mechanic's lien, provisions change(Pirsch, Beutler)........... 514
Mortgage, foreclosure, award attorney's fees(Goodrich)........ 865
Sale of for nonpayment of taxes or special assessments, C.A. (Const. Rev. Comm.)...................................... 766
Security interests, provide certain restrictions(Fowler)...... 855
Transactions, unfair trade practices(V. Johnson).............. 403
Unfair real estate practices, penalty(Kilgarin, DeCamp)....... 918

REAL ESTATE COMMISSION
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Trust account deposits, allow deposit in building and loan associations(L. Johnson).................................. 826
  Appropriation bill 826A
Unfair trade practices, provisions(V. Johnson)................ 403

REAL PROPERTY
Computer-assisted valuation, provide(Koch).................... 581
Condemnation judgments, modify interest rate(Nichol).......... 705
Leases, oil and gas, allow foreign corporations and aliens to acquire(Clark)... 571
Management, prohibit(Kilgarin, DeCamp)........................ 918
Mechanic's liens, violation, penalty increase(Fowler)......... 856
Property assessment, taxation provisions change (Revenue Comm.).. 741
Sale of, cities of the second class and villages(Goll)........ 909
Stamp tax exemption, certain deeds, provide exemption(Wagner). 586
Uniform Condominium Act(DeCamp, Wiitala)..................... 666

RECLAMATION
Nebraska Mining and Reclamation Act(Cullan).................. 550
Voting for district board members and continuance of district(Wesely)... 508

RECORDS
Cancer registry(V. Johnson)................................... 212
  Appropriation bill 212A
Secretary of State as State Records Administrator, establish fees for services(Appro. Comm.)............................ 966
Uniform Information Practices Code(DeCamp)................... 624

RECREATION
Recreation Liability Act, change a definition (DeCamp, Kilgarin)... 627

REDISTRICTING (See Apportionment)

REGISTER OF DEEDS
Plats and subdivisions, recording of, approval required (Cullan).. 418

RESOLUTIONS
Require legislative approval for budget administrative costs of the Board of Educational Lands and Funds, C.A.(Warner)....LR 198
Provide a minimum number of days the Legislature is to meet (Koch, Haberman, DeCamp).............................. LR 276

RETIREMENT
Cities and villages, retirement committees, requirement (Nebr. Ret. Comm.)... 464
Contributions, state employees, provisions change(Wesely)..... 365
Elected County Officers' Retirement System, creating(Rumery).. 424
Firefighters, police officers, cities of the first class, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458
Firefighters, police officers, cities of the primary class, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458
Judges, mandatory retirement, allow completion of term (Hoagland)... 902
Judges, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458
Mandatory, eliminate(Rumery)................................. 287
Part time employment, persons over age 70 receiving retirement benefits, allow(Fowler).................................... 810
Police officers, first class cities (Fenger,R.Peterson,Remmers, Cope,Apking,Duda,L.Johnson,H.Peterson,Nichol,Carsten, DeCamp,Von Minden,Beyer,)................................ 936
Public employees, accumulated sick leave, credit to retirement account(Newell).. 912
Public employees, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
School employees, change annuity formula for retirement plan (Marsh).. 609
  Appropriation bill 609A
School employees, retirement age increase(Newell)............. 131
School employees, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
State Employees Retirement Act, membership change (Pirsch, Kilgarin)... 240
State employees, retired, authorize continued enrollment in group health insurance insurance plan(Marvel, Req. of Gov.).. 970
  Appropriation bill 970A
State patrol, retirement lump sum benefits, vesting requirements(Nebr. Ret. Comm.)............................. 458
Supplemental benefits, provisions(Fowler)..................... 395
System, membership, uniform requirements(Nebr. Ret. Comm.).... 461
Unemployment benefits, allow deduction of retirement pension (Stoney)... 617
University and state college personnel, allow an annual increase in retirement benefits(Fowler)............................. 811

RETIREMENT BOARD, PUBLIC EMPLOYEES
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761

REVENUE AND TAXATION
Agricultural use land, interest on additional tax(Warner)..... 743
Agricultural use land, special assessment (Greenbelt law) (Newell)... 412

LB

Aircraft, motor fuel, taxation of(Hefner, Fowler)............ 169
Budget limitations, increase from seven to nine percent (Sieck)............ 153
Business income, change provisions relating to apportionment (Koch)............ 878
Caskets and burial vaults, sales tax exemption(Chambers)...... 663
Child and dependent care, authorize income tax credit (Kilgarin)............ 582
  Appropriation bill 582A
Cigarette tax increase to be placed in Community Health Services Fund(V. Johnson, H. Peterson)............ 762
Cigarette tax increase, Jail and Minimum Security Facility Construction and Improvement Fund(Haberman)............ 569
Cigarettes, increase tax(Fowler)............ 712
Cigarettes, increase tax(Marvel, Req. of Gov.)............ 753
Community Development Assistance Act(Landis)............ 707
Computer software, video tapes, movie film, impose sales and use tax on gross receipts(Revenue Comm.)............ 819
Computer-assisted valuation of real property, provisions (Koch)............ 581
Contractors, sales tax, refund authorization (Goodrich, Hefner, H. Peterson)............ 278
Corporate income and franchise taxes, change rates (Marvel, Req. of Gov.)............ 760
Corporate income tax rate, increase(Fowler)............ 300
County treasurer, tax collections, report required(Barrett)... 467
County treasurers, prohibit collection of fees for distribution of state funds(Koch)............ 833
Electrical transmission and distribution facilities, transformers, and substation facilities, exempt from taxation (Sieck)............ 734
Energy source systems, tax credit (Wesely, Wiitala, DeCamp, Fowler, Nichol)............ 738
Equalization and Assessment, State Board of, meetings, require public notice(Beutler)............ 304
Equalization and Assessment, State Board of, set additional sales and use tax rate of 1% for Water Management and Improvement Fund (Kremer, Schmit)............ 945
Estate tax liens, eliminate(Hoagland, Beyer, Sieck)............ 480
Food sales tax credit, increase(Beutler)............ 683
Food, sales or use tax, prohibit, C.A.(Newell)............ 773
Franchise taxes, corporations, computation change(Burrows).... 876
Homestead exemption, elimination(Newell)............ 211
Homestead exemption, increase(V. Johnson)............ 142
Homestead exemptions, eliminate a provision(Appro. Comm.)..... 930
Homestead exemptions, provisions change(Labedz)............ 656
Homestead exemptions, provisions change(Revenue Comm.)........ 740
  Appropriation bill 740A
Horse racing, change taxing provisions (Von Minden, Hefner, Goll)............ 631
Housing authority, sales and use tax exemption (Urban Affrs. Comm.)............ 435
Income tax exemption for federal civil service annuities (Fowler)............ 614
Inheritance tax, eliminate(Hoagland, Beyer, Sieck)............ 480
Interest and dividends from intangible property, provide for tax (Burrows)............ 695
Land reutilization authorities, cancellation of tax bills (Newell)............ 630
Local Government Revenue Fund, extend payments for one year (DeCamp)............ 898
Local Option Revenue Act, repeal(Schmit, Kahle, Wagner)....... 964
Manufacturing equipment, depressed economic zones, tax refund (Newell)............ 117

LB
Mechanical amusement devices, license fee increase
(Appro. Comm.)... 928
Motor vehicle fuel tax, reward for disclosure of nonpayment
(Revenue Comm.).. 903
Appropriation bill 903A
Motor vehicle fuels, repeal excise tax(Haberman)............. 25
Motor vehicles, occasional sales, exempt from sales tax
(Newell, V. Johnson)..................................... 914
Oil and gas severance tax rates, increase(Burrows)........... 943
Olympic Committee, U.S., designate portion of income tax return
(DeCamp, Kilgarin, Labedz, Wesely)....................... 665
Political subdivisions, aid to, Sales Tax Fund(Warner, Koch).. 916
Political subdivisions, small, exempt from Budget Limit Act
of 1979(Nichols)... 596
Political subdivisions, state aid(Schmit).................... 963
Political subdivisions, state aid, provisions
(Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner). 524
Political subdivisions, waiver of rights for prescribed
investments, allow(Goodrich)............................. 960
Property assessment, taxation provisions change
(Revenue Comm.).. 741
Property, restrict tax rate to a percentage of its value, C.A.
(Fenger)... 671
Property, substandard or blighted property, change finance
provisions relating to redevelopment, C.A.(Goodrich)......... 672
Property, substandard or blighted, authorize legislation to
abate property taxes, C.A.(Landis)........................ 706
Public power districts, authorize additional investments
(Vickers).. 644
Rate setting, reduce minimum estimated receipts
(Marvel, Req. of Gov.)................................... 757
Real estate assessments, time of completion, filing of protests
(Fowler)... 857
Real estate, sale of for nonpayment of taxes or special
assessments, C.A.(Const. Rev. Comm.)...................... 766
Sales and income tax rates, reduce increments(Carsten)........ 454
Sales tax rate, Legislature to set(Warner, Koch)............. 916
Sales tax, additional, provide funds for Nebraska Resources
Development Fund (Sieck, Wagner, Kahle, H. Peterson)......... 846
School district information required on income tax forms,
penalty(Vickers, Koch, Remmers)........................... 890
Appropriation bill 890A
School districts and municipalities, income tax, authorization
(Remmers).. 373
School land, increase appraised valuation for application of tax
levy(Haberman)... 570
School land, increase appraised valuation for application of tax
levy(Educ. Comm.).. 572
Schools, financing with income taxes(Sieck).................. 219
Schools, impose income tax for financing(Burrows)............ 135
Schools, transportation of children, allow tax levy(Barrett).. 498
Stamp tax exemption, certain deeds, provide exemption(Wagner). 586
State aid to political subdivisions(Schmit, Kahle, Wagner).... 964
State aid, distribution to political subdivisions
(Revenue Comm.).. 816
Appropriation bill 816A
State income tax rates, provide for adjusting in response to
federal tax changes(Revenue Comm.)........................ 693
State Treasurer, require letting of bids for bank services,
limit number of banks providing certain services to the state
(Beutler, Wesely).. 770
Tax Reorganization and Consolidation Fund, creating
(Schmit, Kahle, Wagner).................................. 964

LB

Warehouses and storage areas, licensed and bonded, repeal tax exemption(Clark).......... 728
Wyuka Cemetery, special taxes and assessments, payment (Wesely).......... 237

REVENUE, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Collection procedure, delinquent child support payments, aid to dependent children recipients(Hoagland, Marsh).......... 940
Community Development Assistance Act(Landis).......... 707
Contractors, sales tax, certain, refund (Goodrich, Hefner, H. Peterson).......... 278
Depressed economic zones, designate(Newell).......... 117
Motor vehicle fuel tax, reward for disclosure of nonpayment (Revenue Comm.).......... 903
Appropriation bill 903A

REVISOR BILLS
Health, Department of, change provisions relating to substitution of terms(Exec. Bd.).......... 566
Natural resources districts, harmonize provisions(Exec. Bd.).. 565
Partnerships, correct a date and harmonize provisions (Exec. Bd.).......... 563
Repeal of certain obsolete statutes(Exec. Bd.).......... 592
Veterans' Homes, correlate certain provisions(Exec. Bd.)...... 564

REVISOR OF REGULATIONS
Duties provision(Admin. Rules Comm.).......... 97
Public hearing requirement, eliminate(Admin. Rules Comm.)..... 784

RIGHT TO FARM ACT, NEBRASKA
Adoption of (Barrett, Remmers, Sieck, R. Peterson, Schmit).... 668

ROADS (See also Highways)
Counties, allow maintenance of certain streets, roads, and sewers(Wiitala).......... 872
County roads, isolated lands, provide for public access (Labedz, L. Johnson).......... 239
Scenic-recreational roads, repeal rules providing criteria for classification(Admin. Rules Comm.).......... 649

ROADS, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Bidders, rules and regulations changes(Fowler, Hoagland)...... 969
Counties, allow maintenance of certain streets and roads (Wiitala).......... 872
Highway Commission, State, eliminate(Perf. Rev. Comm.)........ 934
Minimum maintenance roads, provide for(Kahle).......... 611
Oversize vehicles, issuance of special permits(DeCamp)........ 408
Railroad property, certain, authorization to acquire (Pub. Works Comm.).......... 742
Traffic, restricting, power to State Patrol (Kilgarin, Beyer, Newell, Koch, Fitzgerald).......... 546
Transportation program, Legislature to set appropriation (Fowler).......... 698
Transportation, public, nonurbanized areas of the state, provide funds(Burrows).......... 908

RULES OF DISCOVERY IN CIVIL CASES ACT
Adoption of(Judiciary Comm.).......... 725

RULES OF THE ROAD
Combines, extra wide, permit operation and transportation (Cullan).......... 417

LB
Driving under the influence of alcohol or drugs, change provisions relating to revocation of operators' licenses (Vickers, Sieck).. 747
Motor vehicles, windshield, window, and rear view window requirements, change(Pub. Works Comm.)...................... 763
Police vehicles, authorize display of certain flashing lights (Nichol).. 597
Speed detection devices, provisions change(Chambers).......... 413
Width requirements on certain vehicles, provide exceptions (Kremer).. 694
Wreckers or towing vehicles, allow use of studded tires (Rumery).. 575

RURAL HEALTH MANPOWER COMMISSION
Transfer selection of medical student loan recipients to State Board of Health(Appro. Comm.)......................... 933

SAFETY
Elevators, provide a definition(Bus. & Labor Comm.)........... 659
Motor Vehicle Safety Inspection Act(Koch).................... 661
Require carbon monoxide detection devices on natural gas-burning equipment(Warner).. 584
Safety Center Advisory Council, Nebraska, eliminate (Perf. Rev. Comm.)... 934

SALARIES (See Fees and Salaries, Wages)

SALES
Liquor, change certain provisions and restrictions (Misc. Subj. Comm.)... 686
Liquor, provide for sale of wine and beer(Fenger)............ 616

SALES AND INCOME TAX
Child and dependent care, authorize income tax credit (Kilgarin)... 582
Appropriation bill 582A
City sales tax, right to levy, eliminate (Schmit, Kahle, Wagner)..................................... 964
Corporate income tax rate, increase(Fowler).................. 300
Corporations, income tax, increase (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner)......................... 524
Income tax exemption for federal civil service annuities (Fowler).. 614
Income tax rates, adjustment in response to federal tax changes (Revenue Comm.).. 693
Olympic Committee, U.S., designate portion of income tax return (DeCamp, Kilgarin, Labedz, Wesely)................... 665
Rate setting, Board of Equalization and Assessment, reduce minimum estimated receipts(Marvel, Req. of Gov.)............ 757
Rates, reduce increments(Carsten)............................ 454
Resources Development Fund, Ne., authorize additional sales tax to provide funds (Sieck, Wagner, Kahle, H. Peterson)......... 846
School district information required on income tax forms, penalty(Vickers, Koch, Remmers)............................ 890
Appropriation bill 890A
School districts and municipalities, income tax, authorization (Remmers)... 373
Schools, financing of, impose income tax(Sieck)............... 219
Schools, impose income tax for financing(Burrows)............ 135

SALES AND USE TAX
Caskets and burial vaults, sales tax exemption(Chambers)...... 663
City of Lincoln, authorization to increase(Landis)........... 591

LB
Computer software, video tapes, movie film, impose sales and use tax on gross receipts(Revenue Comm.)........................ 819
Contractors, sales tax, certain, refund authorization (Goodrich, Hefner, H. Peterson)............................ 278
Food, eliminate tax credit(Warner, Koch)...................... 916
Food, sales or use tax, prohibit(Newell)...................... 773
Housing authority, exemption(Urban Affrs. Comm.).............. 435
Legislature to set rate(Warner, Koch)........................ 916
Manufacturing equipment, eliminate exemption(Warner, Koch).... 916
Maufacturing equipment, depressed economic zones, tax refund (Newell)... 117
Motor vehicles, occasional sales, exempt from sales tax (Newell, V. Johnson).. 914
Political subdivisions, aid to, sales tax revenue (Warner, Koch)... 916
Sales Tax Fund, Sales Tax Refund Fund, creating(Warner, Koch). 916

SANITARY AND IMPROVEMENT DISTRICTS
Continuation of a district after annexation(Stoney)........... 727
Definition and powers change, issuance and payment of bonds(Urban Affrs. Comm.)............................... 820
District elections of trustees(Newell)........................ 359
Maintenance and upkeep of streets, roads, and sewers(Wiitala). 872
Powers, change(Labedz).. 939
Provide for administrator, other provisions changes(Fenger)... 868

SAVINGS AND LOAN ASSOCIATIONS
Subsidiary of, exempt from definition of loan broker (Goodrich)... 751

SCHOOLS (See also Education)
Class II districts, discontinuance of(Vickers)................ 797
Class III boards, meeting changes(Haberman)................... 892
Class III districts, procedures to include certain territory (DeCamp, Cope, Rumery, Kremer, Wagner, Lamb)................. 587
Common schools, legislative intent(Koch)..................... 338
Compulsory education, raise age limit(Beutler)............... 305
Contracts, termination, teachers or administrators, procedures change(Newell, Wesely, Beutler, DeCamp, Kilgarin, Hoagland, Koch, Fowler, Labedz, Wiitala)................................. 259
Degrees, associate, awarding of(Goll)........................ 370
District, adjoining, transfer of certain property, allow (Wiitala)... 309
Districts, Class I, merger(Educ. Comm.)...................... 319
Districts, contracts, mental retardation regional offices (Lamb).. 510
Districts, impose income tax, authorization(Remmers).......... 373
Districts, territory changes(Educ. Comm.)..................... 208
Employees, change annuity formula for retirement plan(Marsh).. 609
Appropriation bill 609A
Employees, retirement age increase(Newell)................... 131
Employees, retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.)... 458
Employment contract, Commissioner of Education, authorization (Educ. Comm.).. 654
Financing with income taxes(Sieck)........................... 219
Fire dangers and fire prevention methods, require instruction (Appro. Comm.)... 933
Freeholders, school districts, territory changes, petitions (Educ. Comm.).. 208
Gifted children, program development(Hoagland, Sieck)......... 423
Gifted children, provide funds(Hoagland)..................... 737
Gymnasium, Nebraska School for the Deaf, name as the Nick Petersen gymnasium(V. Johnson)........................ 664

LB
Handicapped children, care and education, petition for judicial review(Beutler).................................. 783
Handicapped students, transportation of, reimbursement to parent (Appro. Comm.).. 942
Income tax, impose for financing public schools(Burrows)...... 135
Inspection of school vehicles for transportation of students, provisions(Educ. Comm.)................................... 653
Appropriation bill 653A
Land, increase appraised valuation for application of tax levy (Haberman).. 570
Land, increase appraised valuation for application of tax levy (Educ. Comm.).. 572
Lincoln Board of Education members, elect by district (Fowler, Landis, Wesely).................................. 688
Nonresident high school students, change tuition rate (Koch, Remmers).. 895
Omaha school district, authorize conveyance of certain school land(V. Johnson, Hoagland)................................ 845
Omaha, technical colleges, remove a restriction (Beyer,Fenger, Labedz,Hoagland,Goll,L.Johnson,Koch,Wiitala,Pirsch,Kilgarin,Duda, Chambers,Newell,V.Johnson)................................ 827
Part time employment, persons over age 70 receiving retirement benefits, allow(Fowler).................................. 810
Private, allow State Board of Education to waive certain requirements(Educ. Comm.)................................. 652
Private, denominational or parochial schools, exempt from certain requirements(DeCamp,Koch,Kremer,Dworak,H.Peterson,Warner,Sieck, Wiitala,Stoney amendment)................................ 472A
Private, permit waiver of certain requirements (H. Peterson, DeCamp, Stoney, Labedz)....................... 607
Proceeds from certain forfeited property, divide equally between the school fund and counties for drug enforcement purposes, C.A. (Pirsch, Hoagland)... 947
Programs for children under age five, permit schools to establish (Koch).. 938
Pupil transfer, eliminate certain(Educ. Comm.)................ 208
School district information required on income tax forms, penalty(Vickers, Koch, Remmers)............................ 890
Appropriation bill 890A
Special education programs, eliminate certain provisions (Educ. Comm.).. 651
Special education programs, establishment of maximum rates paid by the state(Appro. Comm.)................................. 942
Staff development, provisions(Wiitala)....................... 443
State aid, funds, provide source, School Foundation and Equalization Fund(Vickers)................................ 210
Appropriation bill 210A
State aid, provisions (Chronister, Von Minden, H. Peterson, Schmit, Kahle, Wagner).................................. 524
Student school board member, certain districts, allow (Kilgarin, Koch).. 440
Students, provide for early transfer from high school to institution of higher learning(Beutler, Vickers)................... 709
Appropriation bill 709A
Teacher certification fees, reduce(Wiitala).................. 641
Teacher contract forms, require approval by State Department of Education(Kilgarin).................................... 789
Teacher contracts, provide for hearings before terminating or amending(Educ. Comm.).................................... 774
Teacher's Professional Negotiations Act, include all schools (Haberman).. 891
Teachers, mandatory retirement, eliminate(Rumery)............. 287
Teachers' Professional Negotiations Act, Ne., repeal(Fowler).. 455

LB

Technical community colleges, require boards to charge equal credit hour tuition(Appro. Comm.)........................... 929
Technical community colleges, state aid, computation of, provisions change(Beutler)................................. 251
Technical community colleges, state supported, provisions (15 senators).. 954
Transportation of children, school related activities, tax levy, allow(Barrett)... 498
Tuition, certain high school students, eliminate payment by state(Appro. Comm.)...................................... 933
Tuition, children of divorced parents, eliminate(Wiitala)..... 642
Ward of the state or court, financial support to district (Appro. Comm.)... 942

SECRETARY OF STATE
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Filing fees, other services, increase fees(Appro. Comm.)...... 928
Salary increase(Goodrich)................................... 488
Appropriation bill 488A
State Records Administrator, establish fees for services (Appro. Comm.)... 966

SECURITY
Private Security Act(Chambers).............................. 493

SEMITRAILERS
Registration and licensing provisions, change(Warner)......... 383
Registration change(Kremer, Schmit, Cullan).................. 874
Well boring equipment, registration exemption(Lamb)........... 511

SENIOR CITIZENS (See also Aged and Aging)
Adult Protective Services Act(Marsh)......................... 335
Community Aging Services Act, Nebraska (Fowler, Maresh, Wesely, DeCamp, Rumery, Marvel)............................. 404
Appropriation bill 404A
Medicare recipients, limit excess professional fees(Burrows).. 906
Senior nutrition programs, receive first priority of federal block grant funds(Cullan).................................. 884

SENTENCING GUIDELINES COMMISSION, NEBRASKA
Creating(Landis, V. Johnson)................................ 919
Appropriation bill 919A

SEWERS
Counties, allow maintenance of certain streets, roads, and sewers(Wiitala)... 872
Water and sanitary sewer districts, authorize counties to provide (Warner)... 585

SHERIFFS
Deputy county, increase authorized probationary period (Chronister).. 729
Deputy sheriffs, prohibit from joining labor unions (H. Peterson, Hefner)...................................... 610
Hazardous employment, provide rebuttable presumptions of cause of certain defects or disease(Wiitala)..................... 640
Jailer fees, discontinue(Chambers)........................... 662
Serving of papers, fee increase(Chronister).................. 301
Sheriff's office merit commission, population and term of office requirements(Marvel, Kilgarin)....................... 782

SHOPLIFTING
Penalty(DeCamp)... 126

LB

SMALL CLAIMS COURT
Fee increase(Appro. Comm.)................................. 928

SOCIAL SECURITY
Medical assistance under Title XIX(Appro. Comm.).............. 932

SOIL
Conservation benefits, projects providing(Pub. Works Comm.)... 148
Erosion, regulations for control(Kahle)...................... 149

SOLDIERS AND SAILORS
Veterans' Homes, correlate certain provisions(Exec. Bd.)...... 564

SOLID WASTE
Collection and disposal of, sanitary and improvement districts (Labedz)... 939

SOYBEANS
Soybean Development, Utilization and Marketing Fund, provision change(Appro. Comm.).............................. 942

SPECIAL ACTS
Adopt an official state fish(Marsh).......................... 859

SPEECH PATHOLOGY
License renewal, fee change(Pub. Health Comm.)................ 263

SPEED LIMITS
Radar detection and transmission devices, prohibit (Vickers, Von Minden).................................... 32
    Appropriation bill 32A
Speed detection devices, provisions change(Chambers).......... 413
State Patrol, authorize use of unmarked cars(Beutler)......... 862

SPENDING LID BILLS (See Lid Bills)

STATE ADMINISTRATIVE DEPARTMENTS (See Administrative Departments, State)

STATE AGENCIES
Appropriations, agency expenses(Marvel, Req. of Gov.)......... 761
Appropriations, provide for shift of appropriations and make deficiency appropriations(Marvel, Req. of Gov.)......... 754
Attorneys, expert witness fees, certain State actions (Maresh, Remmers, Vickers)................................ 192
Delinquent accounts, political subdivisions, collection of (Perf. Rev. Comm.).. 931
Expenses, appropriations(Marvel, Req. of Gov.)................ 162
Preventive maintenance plan, Task Force for Building Renewal, requirement(Cope, Rumery, Fowler).......................... 604
    Appropriation bill 604A
Rules and regulations, procedures change(Admin. Rules Comm.).. 97
Uniform Information Practices Code(DeCamp)................... 624

STATE AID (See also Assistance)
Political subdivisions, distribution(Revenue Comm.)........... 816
    Appropriation bill 816A
Political subdivisions, sales tax revenue funds(Warner, Koch). 916
Property Tax Relief Fund, creating(Fowler)................... 822

STATE ELECTRICAL DIVISION
Establishing(Goodrich)....................................... 490

STATE HISTORICAL SOCIETY (See Historical Society, State)

STATE OFFICERS
Auditor of Public Accounts, deputy auditor, require certification (Beutler, Chronister, Higgins)........................ 882
Meetings, open public, restrictions and remedies(Hoagland).... 956
Public auditor, provide for(Wesely, Warner).................. 795
Revisor of Regulations, public hearing requirement, eliminate (Admin. Rules Comm.).. 784
State Surveyor, duties(Sieck)................................ 127
        Appropriation bill 127A
Uniform Information Practices Code(DeCamp)................... 624

STATE PATROL
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Financing, use of Highway Trust Funds(Marvel, Req. of Gov.)... 971
Officer, death benefit, provisions change(Nebr. Ret. Comm.)... 461
Provide power to restrict traffic (Kilgarin, Beyer, Newell, Koch, Fitzgerald)................................ 546
Retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.).. 458
Unmarked patrol cars, authorization(Beutler)................. 862

STATE TREASURER
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Mining Fund, duties(Cullan).................................. 550
Nebraska Pure Food Act, duties(Ag. & Env. Comm.)............. 547
Political subdivisions, delinquent accounts, collection (Perf. Rev. Comm.).. 931
Require letting of bids for bank services, limit number of banks providing certain services to the state (Beutler, Wesely).. 770
Salary increase(Goodrich).................................... 488
        Appropriation bill 488A

STREETS
Cities of the second class, eliminate a provision relating to sale of public squares, streets, and alleys(Goll) 909
Counties, allow maintenance of certain streets, roads, and sewers(Wiitala).. 872

SUBDIVISIONS
Plats and subdivisions, recording of, approval required (Cullan)... 418

SUNSET LAWS
Board of Examiners in Dentistry, continue(Perf. Rev. Comm.)... 923
Board of Examiners in Medicine and Surgery, continue (Perf. Rev. Comm.).. 448
Board of Examiners in Optometry, continue(Perf. Rev. Comm.)... 449
Board of Examiners in Podiatry, continue(Perf. Rev. Comm.).... 450
Chiropractic, Board of Examiners in, continue (Perf. Rev. Comm.).. 924
Nursing, Board of, provide for continuation(Perf. Rev. Comm.). 926
Pharmacy, Board of Examiners, continue(Perf. Rev. Comm.)...... 925
Psychologists, Board of Examiners, provide for continuation (Perf. Rev. Comm.).. 927
Task Force for Building Renewal, continue (Cope, Rumery, Fowler)...................................... 604
        Appropriation bill 604A

SUNSHINE LAW (See also Political Accountability and Disclosure Act)

LB
Repeal of(Misc. Subj. Comm., DeCamp)........................ 689

SUPREME COURT
Appeals, criminal cases, eliminate writ of error procedures
(Law Enf. Comm.).. 722
Appropriation, agency expense(Marvel, Req. of Gov.).......... 761
Criminal cases, allow prosecution to appeal sentence(Nichol).. 402
Docket fee increase(Law Enf. Comm.)......................... 719
General terms of court and certain quorum requirements,
eliminate(Law Enf. Comm.)................................... 718
Judges, provide for election, C.A.(Beyer, H. Peterson)........ 798
Judges, salary increase(Cullan)............................. 603
Appropriation bill 603A
Questions of law, certification requests(Law Enf. Comm.)...... 724
Revisor of Regulations, reports(Admin. Rules Comm.).......... 97
Rules of discovery in civil cases, allow Supreme Court to
promulgate(Judiciary Comm.)................................. 716

SURVEYORS
County, provide duties(Wiitala)............................. 872
County, State, duties and fees change(Sieck)................. 127
Appropriation bill 127A
State Surveyor, Nebraska Boundary Commission, member of
(Pub. Works Comm.).. 669
Appropriation bill 669A

TASK FORCE BILLS
Emergency Medical Services Board(Kahle, Req. of Gov.)......... 533
Legislature, biennial appropriations, C.A.
(Warner, Req. of Gov.)...................................... 535
Natural Resources, Executive Coordinator for, creating office
(Schmit, Von Minden, Wagner, R. Peterson)................... 527
Sales and income tax rate, reduce increments(Carsten)......... 454
Weather Modification Commission, eliminate
(Schmit, Req. of Gov.)...................................... 542

TAX COMMISSIONER
Ad Valorem Advisory Committee, eliminate(Perf. Rev. Comm.).... 934
Community Development Assistance Act(Landis)................. 707
Computer-assisted valuation of real property, provide(Koch)... 581
Motor vehicle fuel tax, reward for disclosure of nonpayment
(Revenue Comm.)... 903
Appropriation bill 903A
School district information required on income tax forms,
penalty(Vickers, Koch, Remmers)............................. 890
Appropriation bill 890A
School districts and municipalities, income tax, collection
(Remmers)... 373

TAXATION (See Revenue and Taxation)

TEACHERS (See also Schools, Public Employees, Retirement)
Certification fees, reduce(Wiitala).......................... 641
Contracts, provide for hearings before terminating or amending
(Educ. Comm.)... 774
Contracts, termination, procedures change (Newell, Wesely,
Beutler, DeCamp, Kilgarin, Hoagland, Koch,
Fowler, Labedz, Wiitala).................................... 259
Labor unions, prohibit joining(H. Peterson, Hefner)........... 610
Mandatory retirement, eliminate(Rumery)...................... 287
Nebraska Teachers' Professional Negotiations Act, repeal
(Fowler).. 455
Part time employment, persons over age 70 receiving retirement
benefits, allow(Fowler)..................................... 810

LB
Retirement lump sum benefits, vesting requirements (Nebr. Ret. Comm.) 458
Retirement plan, change annuity formula(Marsh) 609
  Appropriation bill 609A
School employees, retirement age increase(Newell) 131
Staff development, provisions(Wiitala) 443
Teacher contract forms, require approval by State Department of Education(Kilgarin) 789
Teacher's Professional Negotiations Act, include all schools (Haberman) 891

TECHNICAL COMMUNITY COLLEGES
Allow energy grants(Nichol) 598
Appropriation, agency expense(Marvel, Req. of Gov.) 761
Equal credit hour tuition requirement, require boards to charge (Appro. Comm.) 929
Handicapped persons over the age of eighteen, provide programs (Koch) 896
Labor unions, prohibit employees from joining (H. Peterson, Hefner) 610
Omaha, remove construction restriction (Duda, Labedz, Hoagland, Goll, L. Johnson, Koch, Wiitala, Pirsch, Kilgarin, Beyer, Fenger, Chambers, Newell, V. Johnson) 827
State aid, computation of, provisions change(Beutler) 251
State supported, provisions(15 senators) 954

TELEPHONES
Limit rate regulation of small telephone companies by Public Service Commission(Clark) 573
Public Service Commission, inadequate exchange telephone service, restrict finding(Telecommunications Comm.) 229

TELEVISION
Cable utility systems, allow certain ownership (DeCamp, Schmit) 731
Cable, require certain programming(Telecommunications Comm.) .. 704

TENANTS
Termination of, disclosure of information, provisions change (Urban Affrs. Comm.) 435

TESTIMONY
Witnesses, criminal procedure, compelled to testify, change immunity(Sieck) 525

TIRES
Studded, allow use and sale (Labedz, Kilgarin, L. Johnson, Higgins, DeCamp, Haberman, Nichol, Remmers) 824
Studded, allow use by wreckers or towing vehicles(Rumery) 575

TRAFFIC
Restricting, State Patrol, power (Kilgarin, Beyer, Newell, Koch, Fitzgerald) 546

TRAILERS
Registration and licensing provisions, change(Warner) 383
Well boring equipment, registration exemption(Lamb) 511

TRANSPORTATION
Inspection of school vehicles for transportation of students, provisions(Educ. Comm.) 653
  Appropriation bill 653A
Nonurbanized areas of the state, funding by the Department of Roads(Burrows) 908

LB

Program, Legislature to set appropriation(Fowler)............. 698
Public transportation assistance program, provide for financing (Marvel, Req. of Gov.)....................................... 758
University of Nebraska at Omaha students, provide a transportation subsidy(Hoagland)............................. 957

TRAPPING
Restrict trapping of fur bearing animals within 200 yards of a residence(Warner)..................................... 583

TRUCK-TRACTORS
Registration and licensing provisions, change(Warner).......... 383
Registration change(Kremer, Schmit, Cullan)................... 874
Well boring equipment, registration exemption(Lamb)........... 511

TRUCKS
Farm trucks, change definition(Kremer, Schmit, Cullan)........ 874
Oversize vehicles, issuance of special permits(DeCamp)........ 408
Registration and licensing provisions, change(Warner)......... 383
Well boring equipment, registration exemption(Lamb)........... 511

TRUSTS AND TRUSTEES
Common trust funds, provide fiduciaries with certain powers (Hoagland).. 951

UNEMPLOYMENT (See Employment Security, Employees, Employer)

UNIFORM COMMERCIAL CODE
Uniform fee increase(Appro. Comm.)............................ 928

UNIFORM COMPARATIVE FAULT ACT
Adoption of(Hoagland)... 432

UNIFORM CONDOMINIUM ACT
Adoption of(DeCamp, Wiitala).................................. 666

UNIFORM DETERMINATION OF DEATH ACT
Adoption of(DeCamp)... 691

UNIFORM INFORMATION PRACTICES CODE
Adoption of(DeCamp)... 624

UNIONS (See Labor)

UNIVERSITIES AND COLLEGES
Appropriation, Nebraska State Colleges(Marvel, Req. of Gov.).. 761
Appropriation, University of Nebraska(Marvel, Req. of Gov.)... 761
Art work appropriation, eliminate for construction or remodeling of certain public buildings(23 Senators)..................... 657
Board of Trustees, State Colleges, appropriation, agency expense(Marvel, Req. of Gov.).............................. 761
Employees, mandatory retirement, eliminate(Rumery)............ 287
Employees, retirement system, uniform membership requirements (Nebr. Ret. Comm.)... 461
Labor unions, prohibit employees from joining (H. Peterson, Hefner)...................................... 610
Morrill Hall, renovation of(Wesely, Remmers, Rumery).......... 632
Part time employment, persons over age 70 receiving retirement benefits, allow(Fowler).................................... 810
Retirement benefits, annual increase for university and state college personnel(Fowler).................................. 811
Student loans, provide for issuance and guarantee (Cullan, Koch)... 946

LB
Students, staff members, residency requirement change(Koch)... 796
Tuition free enrollment for citizens over 60 years of age (Koch)... 578
UN, Board of Regents, appointment by Governor of three additional members(Hoagland)... 736
UN, Board of Regents, authorize Governor to appoint three members, C.A.(Hoagland)... 735
UNO, conduct a study of space requirements, provide a transportation subsidy(Hoagland)... 957
Veterinary medicine, college of, extend a termination date (Ag. & Env. Comm.)... 648

UNIVERSITY OF NEBRASKA (See Universities and Colleges)

URANIUM
Nebraska Mining and Reclamation Act(Cullan)... 550

USURY (See also Interest)
Interest rates, maximum, eliminate(DeCamp)... 623
Provide for variable interest rates on certain loans (Banking Comm.)... 778

UTILITIES
Cable utility systems, allow certain ownership (DeCamp, Schmit)... 731
Metropolitan utilities districts, change payments to cities and villages(Pirsch, Fenger, Kilgarin)... 881

VETERANS
Homestead exemption, retain for veterans over age 70 (Appro. Comm.)... 930
Spanish-American War Fund, transfer to Nebraska Veterans' Aid Fund(Wagner)... 696
Veterans' Aid Fund, increase (Fitzgerald, Wagner, Wesely, Chronister, Fowler, DeCamp, Hefner, Von Minden)... 255
Appropriation bill ... 255A
Veterans' Homes, correlate certain provisions(Exec. Bd.)... 564

VETERANS AFFAIRS, DEPARTMENT OF
Appropriation, agency expense(Marvel, Req. of Gov.)... 761

VETERINARY MEDICINE
College of, extend a termination date(Ag. & Env. Comm.)... 648

VISUALLY IMPAIRED (See Blind)

VOTERS AND VOTING
Require state primary election to be held in September, C.A. (Koch)... 580

WAGES (See also Fees and Salaries)
Counties, employees, adjustment by Legislature(Chambers)... 281
State employees, salary appropriation(Marvel, Req. of Gov.)... 761
State employees, salary increase(Marvel, Req. of Gov.)... 761

WAREHOUSES
Grain, provide for personal sureties, periodic inspections, proof of financial responsibility, bonding requirements (Schmit)... 847
Warehousemen, license fee increase(Appro. Comm.)... 928
Warehouses and storage areas, licensed and bonded, repeal tax exemption(Clark)... 728

WARRANTS
County hospital boards, change interest on warrants(Kahle)... 703

LB

State, require banks and building and loan associations to cash, payee account not required(Goodrich)........................ 961

WASTE (See also Solid Waste)

WATER (See also Ground Water, Irrigation, Natural Resources)
- Advisory Council on Public Water Supply, eliminate (Perf. Rev. Comm.)... 934
- Appropriation permits for instream use of surface water (Hoagland)... 152
- Conservation benefits, projects providing(Pub. Works Comm.)... 148
- Dams and reservoirs, provisions change(Dworak)................ 750
- Domestic and municipal domestic users, give preference (Hoagland)... 915
- Executive Coordinator for Natural Resources, creating office (Schmit, Von Minden, Wagner, R. Peterson).................... 527
- Ground water control areas, provide for a hearing, establish standards(Hoagland).. 958
- Ground water management plan(Schmit, Kremer, Koch)............ 375
- Ground water, reusing from irrigation water reuse pit (Pub. Works Comm.)... 851
- Ground, limit damages for superior users(Pub. Works Comm.).... 849
- Interim control area, establishing(Pub. Works Comm.).......... 222
- Public water supply system, fees to be assessed for all lab work by Department of Health(Appro. Comm.).................. 966
- Rights, sale or lease(Cullan)................................ 8
- Special water master, permit requirements for interbasin water transfers, provisions(Warner)......................... 771
- Use of, landowner rights(Hoagland)............................ 348
- Users, provide for priorities(Pub. Works Comm.)............... 850
- Water and sanitary sewer districts, authorize counties to provide (Warner)... 585
- Water Conservation Act, Nebraska, change requirements for eligible projects(Pub. Works Comm.)..................... 848
- Water control areas, provisions change(Vickers, Beutler)...... 726
- Water management and conservation projects, provide for issuance of revenue bonds, C.A.(Koch, Beutler)....................... 577
- Water Management Board, Nebraska, creating(Kremer, Schmit).... 945
- Water Well Drillers' Licensing Act, Nebraska(Haberman)........ 226
  - Appropriation bill 226A
- Well permits in control areas, change issuance and fees (Kremer).. 670
  - Appropriation bill 670A
- Well permits, control areas, eliminate power to prohibit (Pub. Works Comm.)... 222

WATER RESOURCES, DEPARTMENT OF
- Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
- Flood plain management, provide(Wagner)....................... 955
- Inspections, other services, fees change(Appro. Comm.)........ 966
- Water Project Implementation Program, provisions (Schmit, Von Minden, Wagner, R. Peterson)............................. 527
- Water rights, sale or lease(Cullan).......................... 8

WATER RESOURCES, DIRECTOR OF
- Water rights, sale or lease(Cullan).......................... 8

WATER WELL DRILLERS' LICENSING ACT, NEBRASKA
- Adoption(Haberman).. 226
  - Appropriation bill 226A

WEATHER MODIFICATION COMMISSION
- Eliminate(Schmit, Req. of Gov.)............................... 542

LB

WEEDS
Noxious weed control hearings, protest of charges, hold hearings in county where property is located(Lamb)........... 697

WEIGHTS AND MEASURES
Agriculture, Director of, eliminate certain duties (Appro. Comm.)... 933
Inspections, fee change(Appro. Comm.)......................... 966
Provide exception for motor vehicle fuels from delivery tickets (Hefner)... 678

WELFARE, DEPARTMENT OF PUBLIC (See also Public Health and Welfare)
Adult Protective Services Act(Marsh).......................... 335
Aid to dependent children recipients, collection of delinquent child support payments(Hoagland, Marsh)...................... 940
Appropriation, agency expense(Marvel, Req. of Gov.)........... 761
Child support, provide for payment from unemployment benefits (Bus. & Labor Comm.)... 801
Children, wards of the state, decrease assets allowed (Pub. Health Comm.)... 828
Foster Care Review Act(DeCamp, Fenger)........................ 714
Appropriation bill 714A
Health Care Facility Reporting Act (Wesely, Kilgarin, Wiitala, V. Johnson).. 880
Juvenile court cases, powers and duties(Nichol)............... 353
Medical services for the poor, require(Cullan)................ 602
Appropriation bill 602A
Public assistance payments, procedure for determining (Pub. Health Comm.)... 261
Public assistance, funeral payments, exclusion(Higgins)....... 314
Welfare programs, transfer from counties to state (V. Johnson, Cullan)... 522
Appropriation bill 522A

WELFARE, DIRECTOR OF PUBLIC
Children, wards of the state, decrease assets allowed (Pub. Health Comm.)... 828
Medical assistance under Title XIX, Social Security Act (Appro. Comm.)... 932

WELLS (See also Water, Ground Water, Irrigation)
Ground water, limit damages for superior users (Pub. Works Comm.)... 849
Water Well Drillers' Licensing Act, Ne., adoption of (Haberman)... 226
Appropriation bill 226A
Well boring equipment for transporting, motor vehicle registration exemption(Lamb).. 511
Well permits in control areas, change issuance and fees (Kremer)... 670
Appropriation bill 670A
Well permits, control areas, eliminate power to prohibit (Pub. Works Comm.)... 222

WHEAT
Determination of minimum price, Ne. Wheat Development, Utilization and Marketing Board(Schmit)............................ 893
Ne. Wheat Development, Utilization, and Marketing Fund, uses and purposes, change(Appro. Comm.)..................... 942
Nebraska Wheat Development, Utilization, and Marketing Board, appropriation, agency expense(Marvel, Req. of Gov.).......... 761

LB
Wheat Development, Utilization and Marketing Board, remove Director of Agriculture(Schmit) 786

WINE
Provide for off-sale(Fenger) 616

WITNESSES
Attorneys, expert witness fees, certain State actions (Maresh, Remmers, Vickers) 192
Compelled to testify in criminal proceedings, change immunity(Sieck) 525
Rules of discovery in civil cases, allow Supreme Court to promulgate(Judiciary Comm.) 716
Victims and witnesses of crime, prohibit intimidation(Landis). 812

WOMEN, NEBRASKA COMMISSION ON THE STATUS OF
Appropriation, agency expense(Marvel, Req. of Gov.) 761
Publications, fee assessment(Appro. Comm.) 966

WORKMEN'S COMPENSATION
Allow double benefits, restrict use of certain funds, increase number of judges on Workmen's Compensation Court (Kilgarin, Wiitala) 749
  Appropriation bill 749A
Benefits, two or more political subdivisions, permit self-insured classification(DeCamp) 917
Increase limits(Fowler) 115
  Appropriation bill 115A
Insurance coverage for self-employed persons (Bus. & Labor Comm.) 764

WORKMEN'S COMPENSATION COURT
Appropriation, agency expense(Marvel, Req. of Gov.) 761

WRONGFUL LIFE
Claims, prohibit causes of action(Labedz) 922

ZONING
Agricultural land, restrictions (Greenbelt law)(Newell) 412
Planning commissions, change membership requirement(Nichol) ... 601

SECTION INDEX

SECTION	REPEAL OR AMEND	BILL
1-110	A	935
1-112	A	882
2-103	R	942
2-127	A	934
2-960	A	697
2-1017	A	928
2-1019	A	928
2-1201	A	935
2-1207	A	631
2-1208.01	A	631
2-1213	A	839
2-1503.01	A	916
2-1504	A	885
2-1504.02	R	934
2-1505	A	527
2-1505	A	935
2-1506.01 to 2-1506.10	R	608
2-1506.01 to 2-1506.10	R	955
2-1506.12 to 2-1506.27	R	608
2-1506.12 to 2-1506.27	R	955
2-1570	R	934
2-1577	A	916
2-1579	A	148
2-1579	A	848
2-1803	A	935
2-2304	A	786
2-2305	A	935
2-2317	A	786
2-2317	A	942
2-2318	A	786
2-2321	A	786
2-2402	A	542
2-2404	R	542
2-2405	A	542
2-2406	A	542
2-2408	A	542
2-2408.01	A	542
2-2408.02	A	542
2-2409	A	542
2-2603	A	928
2-2614	A	966
2-2801 to 2-2812	R	933
2-2906	A	966
2-2908	A	966
2-3203.01	R	592
2-3214	A	700
2-3218	A	700
2-3229	A	565
2-3246	A	149
2-3248	A	149
2-3263	R	945
2-3264	A	527
2-3264	A	846
2-3264	A	916
2-3264	R	945
2-3264	A	964
2-3265	R	945
2-3266	R	945
2-3267	R	945
2-3268	R	934
2-3268	R	945
2-3269	R	945
2-3270	R	945
2-3271	R	945
2-3272	R	945
2-3285 to 2-3287	R	934
2-3306	A	935
2-3311	A	786
2-3322	A	942
2-3323	A	786
2-3405	A	935
2-3413	A	942
2-3617	A	935
2-3619	A	935
2-3622	A	786
2-3633	A	942
2-3634	A	786
2-3906	A	966
2-3930	A	966
2-4006	A	935
2-4011	A	786
2-4018	A	942
2-4019	A	786
2-4117	A	935
2-4202 to 2-4204	A	713
2-4211	A	713
2-4213	A	713
2-4216 to 2-4221	A	713
2-4225	A	713
2-4227	A	713
2-4235	A	713
3-104	A	935
3-148	A	169
3-149	A	169
3-150.01	R	169
5-105	A	89
5-105	A	386
5-105	A	715
5-108	A	815
5-215	A	685
5-235	A	685
8-147	A	779
8-148.02	A	779
8-150	A	918
8-152	A	779
8-157	A	621
8-157	A	626
8-206	A	918
8-330	A	658
8-331	A	349
8-355	A	349
8-355	A	646
8-435	A	623
8-820	A	623
8-823	A	779
8-903	A	626
9-127	A	808
9-143	A	928
9-146	A	643
9-161	A	808

SECTION	REPEAL OR AMEND	BILL
9-163	A	808
11-119	A	795
11-126	A	682
12-101	A	237
12-101	A	935
14-117	A	574
14-117	A	904
14-204	A	701
14-554	A	833
14-1041	A	881
14-1042	A	881
15-106	A	636
15-1001	A	464
15-1008	A	749
15-1013.02	A	458
16-330	A	464
16-336	A	458
16-337	A	749
16-695	A	692
16-6,108	A	807
16-707	A	467
17-503	A	909
17-559	A	875
17-567	A	909
18-101	R	807
18-102	R	807
18-102	A	823
18-103	R	807
18-104 to 18-116	R	807
18-113	A	823
18-118	R	807
18-119	R	807
18-119.01	R	807
18-120 to 18-128	R	807
18-301	A	347
18-303	R	347
18-304	R	347
18-305 to 18-308	A	347
18-312	A	347
18-1740	A	928
18-1803	A	731
18-2414	A	731
19-421	A	823
19-426	A	899
19-427 to 19-430	R	807
19-431	R	807
19-629	A	899
19-632	A	823
19-634	A	899
19-638	R	807
19-639	R	807
19-639	A	823
19-640	R	807
19-641	R	807
19-643	R	807
19-644	R	807
19-2702	A	522
19-2716	A	522
19-2903	A	887
19-3501	A	464

SECTION	REPEAL OR AMEND	BILL
19-3909	A	916
19-3909.01	A	698
19-3910	A	942
19-3911	A	908
19-4202	A	899
19-4205	A	823
19-4207	A	899
21-303	A	928
21-1773	A	623
21-17,116	A	775
21-17,120.01	A	775
21-1982	A	928
21-2013	A	928
21-2216	A	928
23-114.01	A	601
23-122	A	594
23-146	A	748
23-151	A	921
23-204	A	815
23-206	A	815
23-302	A	127
23-343.14	A	703
23-343.99	A	952
23-362	A	916
23-362.03	R	933
23-609	A	966
23-905	A	942
23-922	A	638
23-923	A	444
23-1114	A	281
23-1201	A	814
23-1206	A	180
23-1210	R	180
23-1212	A	934
23-1213 to 23-1215	R	934
23-1216	A	934
23-1217	A	934
23-1218	A	934
23-1218	A	966
23-1506	A	418
23-1721	A	782
23-1722	A	782
23-1723.01	A	782
23-1731	A	729
23-1801	R	180
23-1802	R	180
23-1803	R	180
23-1804	R	180
23-1805	R	180
23-1806	R	180
23-1807	R	180
23-1809	R	180
23-1810	R	180
23-1811	R	180
23-1812	R	180
23-1813	R	180
23-1814	R	180
23-1815 to 23-1817	R	180
23-1818	R	180
23-1819	R	180
23-1820	R	180
23-1901	A	127

SECTION	REPEAL OR AMEND	BILL
23-1902	R	127
23-1907	A	127
23-1908	A	127
23-1910	A	127
23-1911	A	127
23-1912	R	127
23-2302	A	424
23-2306	A	461
23-2315	A	287
23-2315	A	458
23-2315	A	810
23-2319	A	458
23-2402	A	340
23-2406	A	340
23-2410	A	611
23-2411	A	611
23-2416	A	340
23-2417	A	340
23-2420	A	805
24-201.01	A	488
24-201.01	A	603
24-205	R	718
24-207	R	718
24-317	R	721
24-319	A	780
24-321	A	780
24-342	A	202
24-342	A	722
24-503	A	386
24-503	A	715
24-507	A	723
24-508	A	723
24-510	R	723
24-511	A	723
24-513	A	723
24-513.01	R	723
24-516	A	590
24-516	A	723
24-517.01	R	721
24-518	R	723
24-519	A	480
24-519	A	723
24-524	A	928
24-559	A	480
24-701	A	723
24-703	A	399
24-706	A	458
24-707	A	399
24-707	A	461
24-708	A	902
24-710	A	399
24-716	A	935
24-803	A	935
25-213	A	788
25-530	A	928
25-1151	R	432
25-1222.02	R	725
25-1223	A	180
25-1230	A	180
25-1232	A	180
25-1267.01 to 25-1267.45	R	725
25-1505	A	625
25-1506	A	625
25-1524	A	180
25-1530	A	867
25-1540	A	867
25-1542	A	180
25-1548	A	180
25-1580	A	928
25-1606	A	677
25-1912	A	722
25-1912	A	950
25-21,183	A	805
25-2202	A	180
26-106	A	590
26-1,203	A	590
27-705	A	716
27-705	A	725
28-101	A	733
28-101	A	911
28-101	A	913
28-105	A	202
28-106	A	733
28-303	A	202
28-309	A	347
28-326	R	620
28-329 to 28-331	R	620
28-332	A	620
28-401	A	911
28-431	A	911
28-431	A	948
28-511	A	126
28-511	A	347
28-518	A	126
28-518	A	347
28-519	A	347
28-707	A	347
28-708	A	335
28-708	A	347
28-710	A	522
28-710 to 28-713	A	335
28-711	A	522
28-713	A	522
28-715	A	335
28-723 to 28-727	A	522
28-726	A	335
28-1001	R	858
28-1002	R	858
28-1115	A	841
28-1205	A	567
28-1232	A	928
28-1246	A	928
28-1251	A	928
29-407	A	180
29-812	A	928
29-1001	A	242
29-1002	A	965
29-1912	A	781
29-1913	A	781
29-1917	A	781
29-1922	A	781
29-1923	A	781
29-1924	A	781
29-2011.01	R	525

SECTION	REPEAL OR AMEND	BILL
29-2203	A	612
29-2206	A	53
29-2219	A	818
29-2221	A	567
29-2246	A	676
29-2252	A	676
29-2253	A	676
29-2255	R	676
29-2261	A	814
29-2262	A	818
29-2301	A	722
29-2302	A	722
29-2303	A	722
29-2304	R	722
29-2305	A	722
29-2306	A	722
29-2308	A	722
29-2309	R	722
29-2310	R	722
29-2315.01	A	722
29-2519 to 29-2546	R	202
29-2522	A	722
29-2525	A	722
29-2526	R	722
29-2528	A	722
29-2529	A	180
29-2815	A	180
29-2824	A	928
29-2916	A	935
29-3302	A	928
29-3603	A	818
30-238	R	910
30-2209	A	910
30-2220	A	910
30-2476	A	910
30-2601	A	428
30-2619	A	428
30-2620	A	428
30-2624	A	428
30-2625	A	428
30-2627	A	428
30-2628	A	428
30-2630	A	428
30-2633	A	428
31-727	A	820
31-727	A	868
31-727	A	939
31-727.02	A	868
31-732	A	820
31-733	A	868
31-734	A	868
31-735	A	359
31-735	A	666
31-735.02	A	359
31-737	A	868
31-739	A	820
31-739	A	868
31-740	A	868
31-740	A	939
31-741 to 31-747	A	868
31-744	A	939
31-748	A	868
31-749	A	868
31-750 to 31-752	A	868
31-753	A	868
31-754	A	868
31-755	A	820
31-755	A	868
31-756	A	868
31-759	A	868
31-763	A	727
32-304	A	795
32-705	A	647
32-713.01	A	647
32-713.01	A	807
32-1001.37	A	795
32-1044	A	795
33-101	A	928
33-102	A	928
33-103	A	719
33-103	A	928
33-105	A	8
33-105	A	750
33-105	A	771
33-105	A	966
33-114	A	833
33-116	A	127
33-117	A	301
33-117	A	662
33-123	A	928
33-124	A	928
33-125	A	928
33-126	A	928
33-126.02 to 33-126.06	A	928
33-126.03	R	480
33-141	A	629
33-141	A	910
33-150	A	928
35-107	A	830
35-201	A	464
35-211	A	749
35-212	A	387
35-212	A	458
35-502	A	639
35-503	A	639
35-504	A	639
35-505	A	639
35-506	A	639
35-507	A	639
35-509	A	639
35-513.02	A	639
35-514	A	639
35-519	A	639
35-521	A	639
35-523	A	639
35-525	A	639
35-531	A	639
35-532	A	639
35-535	A	639
37-214.04	A	905
37-501	A	680
37-510	A	583
37-1008	A	627
38-891	A	934

SECTION	REPEAL OR AMEND	BILL
39-602	A	830
39-608	A	830
39-664	A	413
39-669.07	A	568
39-669.07	A	618
39-669.07	A	747
39-669.07	A	870
39-669.08	A	568
39-669.15 to 39-669.18	R	568
39-669.19	A	568
39-669.32	R	568
39-669.32	R	747
39-669.34	A	568
39-669.34	A	660
39-669.34	A	747
39-669.35	A	660
39-669.35	A	928
39-699	A	969
39-6,104.06	A	180
39-6,104.07	A	180
39-6,131	A	575
39-6,131	A	824
39-6,131.01 to 39-6,131.07	R	824
39-6,135	A	830
39-6,136	A	763
39-6,148	A	597
39-6,148	A	830
39-6,149	A	597
39-6,149	A	830
39-6,151	A	830
39-6,170	A	763
39-6,177	A	417
39-6,177	A	694
39-6,179	A	860
39-6,180	A	860
39-6,181	A	408
39-6,181	A	600
39-895	A	934
39-1101 to 39-1105	R	934
39-1106	R	934
39-1107	R	934
39-1108	R	934
39-1109	R	934
39-1110	R	934
39-1111	R	934
39-1309	A	934
39-1313	A	934
39-1327	A	934
39-1351	A	969
39-1390	A	934
39-1506	A	127
39-1713	A	239
39-1715 to 39-1718	A	239
39-2103	A	611
39-2105	A	611
39-2106	A	935
39-2109	A	611
39-2113	A	611
39-2124	A	611
39-2125	A	611
39-2202	A	934
39-2202	A	935
39-2215	A	758
39-2215	A	971
39-2516	R	592
41-101 to 41-130	R	547
42-123	A	863
42-123	A	966
42-128	A	966
42-364	A	215
42-821	A	720
43-208	A	353
43-210.01	A	353
43-246	A	787
43-247	A	787
43-249	A	787
43-250	A	787
43-252	A	787
43-253	A	787
43-255	A	787
43-256	A	787
43-260	R	787
43-261	A	787
43-271	A	787
43-272	A	787
43-277	A	787
43-279	A	787
43-281	A	787
43-286	A	787
43-288	A	787
43-290	A	787
43-2,113	A	676
43-2,123	A	676
43-501	A	522
43-504	A	684
43-505	R	522
43-506	R	522
43-511	A	522
43-512	A	522
43-512	A	942
43-512.03	A	522
43-514	A	522
43-515	A	522
43-525	A	522
43-527	R	522
43-528	R	522
43-529	A	522
43-530	R	522
43-531	R	520
43-607	A	942
43-611	A	916
43-611	A	942
43-626	A	942
43-644	R	651
43-645	A	942
43-646.02	A	916
43-646.08	A	442
43-648	A	916
43-648	A	942
43-654	R	933
43-654.01 to 43-654.03	R	933
43-655.01	R	933

SECTION	REPEAL OR AMEND	BILL
43-656	R	933
43-657	R	933
43-666	A	783
43-907	A	828
44-404	A	426
44-407	A	426
44-407.01 to 44-407.06	A	426
44-407.08	A	426
44-407.09	A	426
44-503.01	A	480
44-513	A	894
44-1615.01	R	595
44-1620	A	970
44-1620.01	A	970
44-3005	A	935
45-101.03	A	623
45-101.03	A	778
45-101.04	A	623
45-102	A	623
45-103	A	804
45-105	A	623
45-109	A	623
45-110	A	623
45-114	A	623
45-114	A	941
45-137	A	623
45-137	A	702
45-138	A	623
45-138	A	702
45-159 to 45-162	R	592
45-190	A	751
45-207	A	623
45-338	A	623
45-341	A	623
46-201	A	152
46-204	A	152
46-204	A	850
46-257	A	750
46-277	A	933
46-283	A	851
46-285	A	750
46-289	A	771
46-503 to 46-514	A	508
46-516	A	508
46-518	A	508
46-525	A	508
46-529	A	508
46-541	A	508
46-543	A	508
46-564	A	508
46-566	A	508
46-602	A	226
46-602	A	670
46-603	A	670
46-613	A	850
46-613	A	915
46-656	A	222
46-656	A	375
46-656 to 46-658	A	726
46-657	A	222
46-657	A	375
46-657	A	401
46-658	A	94
46-658	A	401
46-658	A	958
46-659	A	222
46-659	A	375
46-659	A	670
46-660	A	222
46-660	A	375
46-660	A	670
46-660	A	850
46-660	A	915
46-661	A	670
46-662	A	670
46-663	A	375
46-665	A	222
46-665	A	401
46-666	A	222
46-666	A	375
46-666	A	401
46-666	A	670
46-666	A	726
46-672	A	375
46-673	A	222
46-673	A	375
46-673	A	401
46-674	A	222
46-674	A	375
47-101	A	231
47-201	A	231
47-402	A	818
48-115	A	764
48-121	A	115
48-121	A	615
48-122	A	115
48-125	A	749
48-130	A	749
48-140	A	749
48-152	A	749
48-153	A	749
48-172	A	749
48-221	A	949
48-223	A	949
48-418 to 48-418.13	A	456
48-418.09	A	928
48-503	A	928
48-610	R	934
48-611	A	934
48-624	A	732
48-624	A	765
48-625	A	801
48-626	A	765
48-627	A	599
48-627	A	765
48-628	A	176
48-628	A	617
48-628	A	765
48-628	A	801
48-628	A	959
48-628.02	A	801
48-628.03	A	801
48-633	A	410

SECTION	REPEAL OR AMEND	BILL
48-635	A	410
48-647	A	801
48-649	A	637
48-649	A	690
48-652	A	765
48-669	A	732
48-669	A	765
48-701 to 48-703	A	456
48-704	A	456
48-705 to 48-710	A	456
48-712	A	456
48-712	A	928
48-713	A	456
48-714	A	456
48-714	A	928
48-714.01	A	456
48-714.02	A	456
48-715 to 48-718	A	456
48-801	A	886
48-801	A	944
48-804	A	935
48-810	A	610
48-816	A	886
48-817	A	886
48-819.01	A	886
48-837	A	610
48-1116	A	935
48-1119	A	843
49-801	A	180
49-1401	R	689
49-1402	R	689
49-1403	R	689
49-1404 to 49-1408	R	689
49-1409	R	689
49-1410	R	689
49-1411	R	689
49-1412	R	689
49-1413	R	689
49-1414 to 49-1418	R	689
49-1419	R	689
49-1420 to 49-1426	R	689
49-1427	R	689
49-1428 to 49-1433	R	689
49-1434	R	689
49-1435 to 49-1444	R	689
49-1436	A	795
49-1444	A	795
49-1445	R	689
49-1446	R	689
49-1446.01 to 49-1446.03	R	689
49-1447	R	689
49-1448	R	689
49-1449	R	689
49-1450	R	689
49-1451	R	689
49-1452	R	689
49-1453	R	689
49-1454	R	689
49-1455	R	689
49-1456	R	689
49-1457	R	689
49-1458	R	689
49-1459 to 49-1461	R	689
49-1462	R	689
49-1463	R	689
49-1464	R	689
49-1465 to 49-1468	R	689
49-1469	R	689
49-1470 to 49-1474	R	689
49-1474.01	R	689
49-1475	R	689
49-1477	R	689
49-1478	R	689
49-1479	R	689
49-1480	R	689
49-1481	R	689
49-1482	R	689
49-1482	A	928
49-1483	R	689
49-1483.01	R	689
49-1484 to 49-1486	R	689
49-1488	R	689
49-1489	R	689
49-1490	R	689
49-1491	R	689
49-1492 to 49-1495	R	689
49-1493	A	687
49-1493	A	795
49-1496	R	689
49-1497	R	689
49-1498	R	689
49-1499	R	689
49-14,100 to 49-14,104	R	689
49-14,105	R	689
49-14,106	R	689
49-14,108	R	689
49-14,109 to 49-14,112	R	689
49-14,111	A	935
49-14,113 to 49-14,119	R	689
49-14,120	R	689
49-14,120	A	935
49-14,121	R	689
49-14,122	R	689
49-14,123	R	689
49-14,124	R	689
49-14,125	R	689
49-14,126	R	689
49-14,127	R	689
49-14,128	R	689
49-14,129	R	689
49-14,130	R	689

SECTION	REPEAL OR AMEND	BILL
49-14,131	R	689
49-14,132	R	689
49-14,133	R	689
49-14,134 to 49-14,131	R	689
50-702	A	795
51-214	A	825
51-301 to 51-304	A	638
51-307	A	638
51-310	R	638
51-311	A	638
51-312	A	638
51-313	A	638
51-314	A	638
51-315	A	638
51-316	A	638
51-317 to 51-319	A	638
51-401	A	935
51-403	A	638
52-101	A	514
52-101 to 52-114	R	513
52-102	A	514
52-103	A	514
52-121	R	513
52-122	R	513
52-124	A	514
52-124	A	856
53-106	A	935
53-123.02	A	431
53-124	A	616
53-124	A	686
53-125	A	686
53-129	A	686
53-131	A	686
53-131	A	928
53-133	A	686
53-134	A	686
53-135	A	686
53-135.01	A	838
53-138.03	A	686
53-168	A	837
53-168	A	900
53-177	A	791
53-177	A	888
53-180.05	A	809
53-180.05	A	869
53-194.01	A	686
54-101	A	675
54-115	A	675
54-136	A	935
54-137.01	A	953
54-169	A	675
54-201	A	528
54-201	A	962
54-415	A	675
54-703	A	966
54-715	A	933
54-726	A	933
54-726.01	R	933
54-726.02	A	933
54-748	R	933
54-749	R	933
54-820.01	A	966
54-827	A	966
54-1160	A	935
54-1180	A	966
54-1332	A	933
54-1338	A	966
54-1502	R	933
54-1504	R	933
54-1505	A	933
54-1506	R	933
54-1507	R	933
54-1507.01	R	933
54-1708	A	966
54-1902	A	547
54-1904	A	928
54-1906	A	547
54-1911	A	547
54-1912	A	547
55-157.03	A	681
57-703	A	738
57-703	A	943
57-705	A	738
57-705	A	943
57-904	A	935
59-1617	A	547
60-106	A	752
60-107	A	752
60-114	A	752
60-115	A	752
60-115	A	928
60-301	A	383
60-301	A	511
60-301	A	874
60-302	A	752
60-305.03	A	383
60-305.09	A	383
60-311	A	759
60-311	A	785
60-311.10	A	579
60-311.12	A	579
60-311.12	A	928
60-311.14	A	645
60-312.01	A	752
60-323	A	613
60-325	A	613
60-326.01	A	928
60-330	A	874
60-331.04	R	874
60-335	A	98
60-406.04	A	794
60-406.04	A	877
60-407	A	928
60-409	A	916
60-409.02	A	916
60-409.10	A	928
60-411	A	877
60-412	A	673
60-412	A	966
60-452.01	A	461
60-458	A	458
60-501	A	137
60-502	A	137
60-505.02	A	137

SECTION	REPEAL OR AMEND	BILL
60-508	A	137
60-509	A	137
60-524	A	137
60-525	A	137
60-527	A	137
60-528	A	137
60-533	A	137
60-534	A	137
60-536	A	137
60-538 to 60-540	A	137
60-545	A	137
60-546	A	137
60-547 to 60-550.01	R	137
60-552	R	137
60-553	A	137
60-554	A	137
60-556	A	137
60-557	A	137
60-559	A	137
60-561	A	137
60-562 to 60-564	R	137
60-1001.01	A	862
60-1402	A	935
60-1701	R	613
60-1701	A	613
60-1707	A	613
60-1707	R	613
60-1708	R	661
64-115	R	592
64-117	R	592
66-303	A	966
66-410	A	25
66-410.03	A	928
66-410.04	A	25
66-411	A	25
66-414	A	914
66-421	A	699
66-428	A	25
66-439	A	903
66-450	A	928
66-452	A	25
66-466	A	903
66-467.01	A	873
66-468	A	935
66-470	A	935
66-473	R	25
66-473	A	699
66-474	R	25
66-475	R	25
66-476	R	25
66-477	A	25
66-478	A	25
66-479	A	699
66-517	A	928
66-605	A	25
66-605.02	R	25
66-605.03	A	25
66-607	A	928
66-620	A	25
66-624	A	903
66-1004	A	799
66-1005	A	799
66-1009	A	799
66-1012 to 66-1018	R	916
66-1014	R	799
66-1015	A	799
66-1016	A	799
66-1021	A	799
66-1022	A	799
66-1025	A	799
67-237	A	589
67-243	A	589
67-251	A	589
67-253	A	589
67-254	A	589
67-292	A	563
68-103 to 68-105	A	522
68-103 to 68-116	R	521
68-104	A	602
68-106 to 68-108	R	522
68-109	A	522
68-110	A	522
68-111 to 68-114	R	522
68-114	A	602
68-115	A	522
68-115	A	667
68-116	R	522
68-126	A	522
68-126	A	602
68-128	A	522
68-214	A	522
68-218	R	522
68-309	A	522
68-310.01	R	522
68-310.02	R	522
68-312	A	522
68-313	A	522
68-313.01	A	522
68-322.01	R	522
68-329	R	522
68-632	R	592
68-702.01	R	934
68-702.02	R	934
68-702.03	R	934
68-703	A	314
68-703	A	522
68-703.01	A	916
68-704	A	916
68-704 to 68-709	R	522
68-710 to 68-715	R	592
68-711	R	522
68-716	A	522
68-1001	A	522
68-1006	A	261
68-1007	A	522
68-1008	A	522
68-1009	R	522
68-1010	R	522

SECTION	REPEAL OR AMEND	BILL
68-1014 to 68-1016	A	522
68-1019	A	883
68-1019	A	932
68-1020	R	883
68-1022	A	522
68-1022	A	524
68-1023	A	522
68-1101	A	935
68-1106	A	916
68-1206	A	522
68-1301 to 68-1304	R	934
68-1305	R	934
68-1306	R	934
69-1204	A	928
69-1206	A	928
70-604.03	A	198
70-624	A	739
70-637	A	889
70-650.02	R	592
70-651.03	A	731
70-651.04	A	731
70-655	A	400
70-655	A	731
70-1003	A	935
71-101	A	927
71-102	A	927
71-109	A	927
71-110	A	927
71-112	A	927
71-113	A	925
71-113	A	927
71-114	A	927
71-116	A	853
71-116	A	925
71-116	A	927
71-122	A	927
71-122	A	935
71-122.01	A	853
71-122.01	A	923
71-129	A	923
71-130	A	925
71-131	A	925
71-131	A	927
71-133	A	448
71-133	A	449
71-133	A	450
71-133	A	923
71-133	A	927
71-139	A	927
71-139.01	A	927
71-140	A	925
71-140	A	927
71-148	A	906
71-149	A	927
71-155	A	927
71-161.09	A	927
71-162	A	263
71-162	A	448
71-162	A	449
71-162	A	450
71-162	A	927
71-174.01	A	450

SECTION	REPEAL OR AMEND	BILL
71-177	A	924
71-183.01	A	853
71-183.01	A	920
71-185	A	923
71-193.09	A	920
71-193.13	A	853
71-193.13	A	920
71-193.14	A	853
71-1,106	A	448
71-1,132.12	A	935
71-1,132.14	A	926
71-1,132.20	A	926
71-1,132.29	A	926
71-1,132.30 to 71-1,132.34	R	926
71-1,132.44	R	926
71-1,132.49	A	926
71-1,136.01	A	449
71-1,136.03	A	449
71-1,145	A	925
71-1,145.01	R	925
71-1,147	A	925
71-1,147.08	A	925
71-1,156	A	935
71-206	A	509
71-208.05	R	592
71-208.08	A	509
71-222	A	935
71-223.03	R	592
71-317	A	263
71-317	A	935
71-502	A	966
71-513	A	966
71-604.01	R	831
71-604.01	A	966
71-604.03	R	831
71-604.04	R	831
71-605	A	180
71-605.04	A	180
71-606	A	180
71-644	A	802
71-647	A	966
71-1116	A	863
71-1120	A	456
71-1344	A	606
71-1401	R	934
71-1402	R	934
71-1403	R	934
71-1404	A	651
71-1406	R	651
71-1519	A	435
71-1520	A	435
71-1522 to 71-1524	A	435
71-1524	A	821
71-1525	A	821
71-1526	A	435
71-1527	A	916
71-1528	A	435
71-1529	A	435
71-1531	A	435
71-1535	A	435
71-1536	A	435
71-1539	A	435

SECTION	REPEAL OR AMEND	BILL
71-1541	A	435
71-1543 to 71-1545	A	435
71-1550 to 71-1553	A	435
71-1555 to 71-1558	A	456
71-1559	A	456
71-1559	A	966
71-1560 to 71-1562	A	456
71-1563	A	456
71-1564 to 71-1567	A	456
71-1565	R	934
71-1612	A	180
71-1628	A	916
71-1724	A	926
71-1901 to 71-1904	R	520
71-1902	A	270
71-1902	A	928
71-1902	A	966
71-1905	R	520
71-2004	A	966
71-2005	R	829
71-2005	R	934
71-2015	A	966
71-2017	A	768
71-2019	R	592
71-2020	A	928
71-2021	A	832
71-2023	A	829
71-2024	A	768
71-2024	A	829
71-2024	A	934
71-2025	R	829
71-2025	R	934
71-2028	A	768
71-2031	A	566
71-2031 to 71-2040	R	934
71-2032	A	566
71-2038	A	566
71-2039	A	566
71-2040	A	768
71-2042	A	934
71-2045.06	A	935
71-2602	A	935
71-2605	A	935
71-2610	A	448
71-2610	A	449
71-2610	A	450
71-2618	A	966
71-2619	A	863
71-2619	A	966
71-2622	A	966
71-2623	A	566
71-2703	A	935
71-3102	A	966
71-3205	A	928
71-3209	A	928
71-3305	A	807
71-3503	A	934

SECTION	REPEAL OR AMEND	BILL
71-3504	A	934
71-3505	A	934
71-3506	R	934
71-3601	A	566
71-3706	A	935
71-3801	A	927
71-3802	A	927
71-3803	R	927
71-3804	R	927
71-3805	R	927
71-3806 to 71-3808	A	927
71-3809	R	927
71-3810	A	927
71-3811	A	927
71-3812	R	927
71-3813	A	927
71-3814	A	927
71-3816	R	927
71-3817 to 71-3819	A	927
71-3820 to 71-3824	R	927
71-3825	A	927
71-3827	A	927
71-3828	A	927
71-3829	A	927
71-3831	R	927
71-3832 to 71-3836	A	927
71-4305	A	966
71-4601 to 71-4607	A	456
71-4604.01	A	966
71-4608	A	456
71-4609	A	934
71-4609 to 71-4620	A	456
71-4624	A	966
71-4715	A	935
71-4721	A	935
71-4728	A	966
71-4732	A	966
71-4902	R	934
71-4903	A	934
71-5001	A	415
71-5002	A	415
71-5003	A	415
71-5003	A	442
71-5004	A	415
71-5005	A	415
71-5006	R	415
71-5007	A	415
71-5008	A	415
71-5008	R	934
71-5009	R	415
71-5009	A	635
71-5009	A	942
71-5010	A	415
71-5010	A	916
71-5011	R	415
71-5011	R	442
71-5013	R	415
71-5014	A	415

SECTION	REPEAL OR AMEND	BILL
71-5015	R	415
71-5020	R	934
71-5021	A	415
71-5022	A	415
71-5024	R	934
71-5025	R	934
71-5026	R	934
71-5027	A	415
71-5027	A	942
71-5032	A	415
71-5102	A	533
71-5102	A	934
71-5106	A	934
71-5109	A	830
71-5109	A	934
71-5110	A	934
71-5111	A	830
71-5113	A	934
71-5115 to 71-5117	R	934
71-5115 to 71-5118	R	533
71-5118	R	934
71-5121	A	934
71-5301	A	934
71-5306	A	966
71-5310	A	934
71-5311	R	934
71-5402	A	925
71-5502 to 71-5507	A	533
71-5504	A	830
71-5601 to 71-5605	R	933
71-5603	A	935
71-5606	R	933
71-5607 to 71-5612	R	933
71-5615 to 71-5617	A	933
71-5619	A	933
71-5620	A	933
71-5625 to 71-5627	A	933
71-5631	A	933
71-5633	A	933
71-5635	A	933
71-5639 to 71-5642	A	933
71-5643.01	A	933
71-5644	A	933
71-5645	A	933
71-5801 to 71-5803	A	378
71-5801 to 71-5803	A	502
71-5805	A	378
71-5805	A	502
71-5810	A	378
71-5810	A	502
71-5811	A	378
71-5811	A	502
71-5813	A	378
71-5813	A	502
71-5820 to 71-5823	A	378
71-5820 to 71-5823	A	502
71-5827	R	378
71-5827	R	502
71-5828 to 71-5836	A	378
71-5828 to 71-5836	A	502
71-5834	A	966
71-5836	A	966
71-5837	A	966
71-5838	A	378
71-5838	A	502
71-5842 to 71-5845	R	378
71-5842 to 71-5845	R	502
71-5846	A	378
71-5846	A	502
71-5847	A	502
71-5847 to 71-5857	A	378
71-5849 to 71-5857	A	502
71-5859	A	378
71-5859	A	502
71-5860	A	378
71-5860	A	502
71-5861	A	935
71-5862	A	378
71-5862	A	502
71-5864	A	935
71-5865 to 71-5868	A	378
71-5865 to 71-5868	A	502
71-5870	A	378
71-5870	A	502
72-201	A	935
72-224.03	A	935
72-423 to 72-425	R	592
72-719	R	592
72-720	A	935
72-724	A	935
72-729	A	935
72-1101 to 72-1103	A	429
72-1101 to 72-1118	A	456
72-1104 to 72-1118	R	429
72-1119	A	429
72-1119	A	456
72-1120	R	934
72-1120 to 72-1124	A	429
72-1121	A	456
72-1121	R	934
72-1122	R	934
72-1122 to 72-1124	A	456

SECTION	REPEAL OR AMEND	BILL
72-1237	A	935
72-1239	A	935
72-1268	A	961
74-424	A	742
74-1321	A	699
74-1413	A	935
75-109	A	573
75-122.02	R	592
75-126	A	633
75-128	A	633
75-128	A	928
75-150	A	928
75-305	A	928
75-309	A	655
75-327	A	928
75-328	A	928
75-354	A	928
75-401	A	937
75-613	A	229
76-239.05	A	514
76-239.05	A	856
76-240	R	592
76-404	A	571
76-513	A	935
76-711	A	705
76-717.01	R	592
76-802	A	666
76-804	A	666
76-807	A	666
76-809	A	666
76-811	A	666
76-816	A	666
76-817	A	666
76-819	A	666
76-820	A	666
76-823	A	666
76-902	A	586
76-1608	A	935
Chapter 77 Art. 20	R	480
77-101	A	524
77-112	A	524
77-202	A	734
77-3,101 to 77-3,105	R	934
77-3,106	R	934
77-3,107	R	934
77-3,108	R	934
77-405.01	R	592
77-424	R	592
77-509	A	581
77-909	A	707
77-914	A	833
77-1225	R	728
77-1226.01	R	728
77-1226.02 to 77-1226.04	R	728
77-1227	R	728
77-1301	A	741
77-1301.02	R	581
77-1301.06	A	581
77-1315	A	857
77-1331	A	581
77-1342	A	934
77-1343	A	412
77-1343 to 77-1345	A	743
77-1344	A	412
77-1347	A	743
77-1348	A	412
77-1348	A	743
77-1502	A	857
77-1506.09	R	592
77-1701	A	467
77-1759	A	467
77-1913	A	630
77-1923 to 77-1928	R	480
77-1933 to 77-1937	R	480
77-2102	A	480
77-2301	A	738
77-2301	A	770
77-2309	A	770
77-2341	A	960
77-2353.01	A	644
77-2602	A	527
77-2602	A	569
77-2602	A	712
77-2602	A	753
77-2602	A	762
77-2602	A	964
77-2612	A	928
77-2616	A	712
77-2616	A	753
77-2616	A	762
77-2616	A	964
77-2621	A	928
77-2702	A	819
77-2702	A	914
77-2703	A	819
77-2704	A	278
77-2704	A	435
77-2704	A	663
77-2704	A	916
77-2705	A	928
77-2706	A	728
77-2706	A	928
77-2715	A	582
77-2715	A	614
77-2715	A	683
77-2715	A	707
77-2715	A	738
77-2715	A	916
77-2715.01	A	219
77-2715.01	A	304
77-2715.01	A	454
77-2715.01	A	693
77-2715.01	A	757
77-2715.01	A	846
77-2715.01	A	916
77-2715.01	A	945
77-2715.01	A	964
77-2715.02	A	304
77-2734	A	300
77-2734	A	524
77-2734	A	707
77-2734	A	760

SECTION	REPEAL OR AMEND	BILL
77-2734	A	876
77-2743	A	878
77-27,119	A	890
77-27,132	A	153
77-27,132	A	210
77-27,132	A	219
77-27,132	A	524
77-27,132	A	665
77-27,132	A	738
77-27,132	A	846
77-27,132	A	916
77-27,132	A	945
77-27,132	A	964
77-27,136	A	480
77-27,136	A	524
77-27,136	A	816
77-27,136	A	916
77-27,136	R	963
77-27,136	R	964
77-27,137	A	480
77-27,137	A	524
77-27,137	A	816
77-27,137	A	916
77-27,137	R	963
77-27,137	R	964
77-27,137.01	R	524
77-27,137.01	A	833
77-27,137.01	R	963
77-27,137.01	R	964
77-27,139	R	524
77-27,139	R	963
77-27,139	R	964
77-27,140	R	524
77-27,140	R	963
77-27,140	R	964
77-27,142	R	153
77-27,142	A	591
77-27,142	R	964
77-27,142 to 77-27,142.05	R	524
77-27,142.01 to 77-27,142.05	R	153
77-27,142.01 to 77-27,142.05	R	964
77-27,143 to 77-27,148	R	153
77-27,143 to 77-27,148	R	524
77-27,143 to 77-27,148	R	964
77-27,149	R	916
77-27,150	R	916
77-27,151	R	916
77-27,152	R	916
77-27,153	R	916
77-27,154	R	916
77-27,155	R	916
77-3002	A	928
77-3003	A	928
77-3004	A	928
77-3103	A	928
77-3211	A	630
77-3307	A	480
77-3310	A	480
77-3313	A	480
77-3422	A	153
77-3423	A	153
77-3423	A	596
77-3424	A	153
77-3424	A	498
77-3504	A	614
77-3506	A	142
77-3506	R	211
77-3506	A	930
77-3506	A	964
77-3508	A	740
77-3510	A	211
77-3510	A	656
77-3510	A	740
77-3511	A	656
77-3512 to 77-3514	A	211
77-3513	A	740
77-3514	A	656
77-3516	A	211
77-3516	A	740
77-3517	A	740
77-3523	A	524
77-3523	A	740
77-3523	A	833
77-3523	A	916
77-3525	A	740
77-3525	A	916
77-3605 to 77-3615	R	816
77-3605 to 77-3615	R	822
77-3606 to 77-3608	A	898
77-3606 to 77-3608	A	963
77-3606 to 77-3608	A	964
77-3610	A	898
77-3610	A	963
77-3610	A	964
77-3611 to 77-3615	R	898
77-3611 to 77-3615	R	954
77-3611 to 77-3615	R	963
77-3611 to 77-3615	R	964
77-3612	A	916
77-3613	A	916
79-201	A	305
79-204	A	305
79-205	A	305
79-206	A	305
79-325	A	654
79-328	A	507
79-403	A	208
79-403	R	319
79-403.01 to 79-403.04	R	319
79-406	A	309
79-406	R	319

SECTION	REPEAL OR AMEND	BILL
79-407	R	319
79-411	A	319
79-426.03	A	935
79-426.23	A	319
79-426.25	A	319
79-426.26	A	319
79-432	R	219
79-444	A	938
79-445	A	642
79-445	A	916
79-445	A	942
79-451	A	319
79-478	R	208
79-478	R	319
79-479	R	208
79-479	R	319
79-480	R	208
79-480	R	319
79-481	R	208
79-481	R	319
79-482 to 79-485	R	208
79-482 to 79-485	R	319
79-487	A	498
79-488	A	653
79-4,102	A	895
79-4,123	A	933
79-4,140	R	651
79-4,147.02	A	928
79-4,160	A	916
79-4,163	R	651
79-4,165	A	942
79-4,166	A	916
79-516.04	A	440
79-701	A	319
79-701	A	797
79-801	A	587
79-803.03	A	440
79-805	A	892
79-810	A	219
79-810	A	498
79-902.01	A	440
79-902.01	A	688
79-903	A	219
79-903	A	498
79-904	A	219
79-1003	A	440
79-1007	A	219
79-1007	A	498
79-1007.02	R	219
79-1032	A	131
79-1032	A	287
79-1049	A	131
79-1049	A	458
79-1057	A	287
79-1057	A	810
79-1061	A	845
79-1103	A	440
79-1103.05	A	916
79-1103.05	A	933
79-1107	A	319
79-1247.05	A	933
79-1247.07	A	641
79-1248	A	789
79-1250	R	789
79-1254.04	A	774
79-1255	A	259
79-1256 to 79-1260	R	259
79-1258	A	131
79-1258	A	287
79-1281	A	935
79-1286	A	641
79-1287	A	891
79-1287 to 79-1295	R	455
79-1287	R	610
79-1303	A	570
79-1303	A	572
79-1331	A	524
79-1332	A	210
79-1333	A	916
79-1333.02	A	524
79-1334	A	524
79-1334	A	737
79-1334	A	942
79-1335	R	135
79-1335	A	219
79-1336	A	524
79-1336	A	942
79-1337	A	423
79-1413	R	651
79-1521	A	287
79-1521	A	810
79-1522.01	A	609
79-1527	A	458
79-1529	A	458
79-1703	A	607
79-2102	A	935
79-2636	A	954
79-2637	A	251
79-2637	A	954
79-2640	A	954
79-2643	A	954
79-2644	A	929
79-2644	A	954
79-2648	R	954
79-2649	R	954
79-2650	R	954
79-2650.03	R	954
79-2650.06	R	954
79-2650.07	A	827
79-2650.07	R	954
79-2651	A	916
79-2651	R	954
79-2653	R	954
79-2804	A	370
79-2820	A	370
79-2821	A	370
79-2846	A	928
80-111	A	696
80-305	A	564
80-401	A	255
80-401.07	A	935
81-101	A	442
81-101	A	456
81-102	A	442

SECTION	REPEAL OR AMEND	BILL
81-102	A	456
81-173	A	604
81-178	A	604
81-178	A	738
81-180	A	604
81-186	A	604
81-189	A	604
81-191	A	604
81-191.01	A	604
81-196	A	448
81-196	A	449
81-196	A	450
81-197	A	923
81-197	A	924
81-197	A	925
81-197	A	926
81-197	A	927
81-216.21	A	593
81-216.21	A	966
81-217 to 81-217.09	R	547
81-217.10	R	547
81-217.11 to 81-217.14	R	547
81-217.15	R	547
81-217.16 to 81-217.28	R	547
81-2,111 to 81-2,119	R	547
81-2,120	R	547
81-2,121	R	547
81-2,122 to 81-2,124	R	547
81-2,127	R	547
81-2,129	R	547
81-2,132	R	547
81-2,133	R	547
81-2,134	R	547
81-2,134.01	R	547
81-2,134.03 to 81-2,134.11	R	547
81-2,162.06	A	966
81-2,171	A	966
81-2,174	A	966
81-2,177.01	A	966
81-2,181 to 81-2,184	R	547
81-2,185	R	547
81-501.01	A	456
81-502	A	456
81-502	A	711
81-502	A	792
81-502	A	966
81-502.01	A	935
81-502.01 to 81-502.03	A	456
81-502.04	A	456
81-503 to 81-510	A	456
81-513	A	456
81-514	A	456
81-516 to 81-520	A	456
81-520.01	A	456

SECTION	REPEAL OR AMEND	BILL
81-520.01	A	790
81-520.02	A	456
81-521	A	456
81-523	A	456
81-524 to 81-527	A	456
81-528	A	966
81-530 to 81-532	A	456
81-535 to 81-537	A	456
81-539	A	456
81-540	A	456
81-542 to 81-544	A	456
81-546 to 81-549	A	456
81-550	A	456
81-551	R	456
81-572	A	456
81-573	A	456
81-573	A	490
81-573	A	935
81-574	A	456
81-575	A	456
81-576	A	456
81-577	A	456
81-578	A	456
81-579	A	456
81-579	A	605
81-580	A	456
81-582	A	456
81-583	A	456
81-585	A	456
81-586	A	456
81-586	A	605
81-588	A	456
81-590	A	456
81-591	A	456
81-593	A	456
81-595	A	456
81-596	A	456
81-596	A	605
81-597	A	456
81-598	A	456
81-599	A	456
81-5,100	A	456
81-5,104	A	456
81-5,105	A	456
81-5,108	A	456
81-5,109	A	456
81-5,110	A	456
81-5,111	A	456
81-5,112	A	456
81-5,113	A	456
81-5,117	A	456
81-5,123	A	456
81-801	A	935
81-804	A	935
81-815.35	R	592
81-885.21	A	826
81-885.24	A	403
81-885.24	A	918
81-8,122	A	127

SECTION	REPEAL OR AMEND	BILL
81-8,122.01	A	127
81-8,161	A	935
81-8,163	A	935
81-8,210	A	341
81-8,228	A	341
81-8,229	A	341
81-8,244	A	674
81-8,245	A	746
81-8,255	A	935
81-8,260.01	A	966
81-8,263	A	935
81-8,267	A	935
81-8,271	A	966
81-8,272	R	592
81-8,272	R	934
81-8,273	R	934
81-8,273 to 81-8,275	R	592
81-8,274	R	934
81-8,275	R	934
81-909	A	767
81-912	A	767
81-914	A	767
81-916 to 81-918	A	767
81-1010	A	488
81-1108.17	A	934
81-1108.32	R	934
81-1108.35	A	934
81-1108.36	A	934
81-1108.38	R	934
81-1108.44	A	934
81-1120.18	R	934
81-1204.01	R	592
81-1204.02	R	592
81-1214	A	935
81-1218	A	935
81-1227	A	934
81-1228	A	707
81-1239	R	934
81-1240	R	934
81-1241	R	934
81-1242	R	934
81-1243	R	934
81-1253	A	699
81-1316	A	795
81-1318	A	746
81-1318	A	935
81-1323	A	912
81-1361	A	934
81-1363 to 81-1366	R	934
81-1368	A	934
81-1401	A	934
81-1403	A	934
81-1403	A	966
81-1404	A	934
81-1406 to 81-1408	R	934
81-1409	R	934
81-1417	A	935
81-1418	A	935
81-1423	A	493
81-1423	A	966

SECTION	REPEAL OR AMEND	BILL
81-1429	A	717
81-1429	A	966
81-1503	A	935
81-1533	A	916
81-1558	A	699
81-1560	A	840
81-1560.02	A	840
81-1608 to 81-1626	A	456
81-1609	A	799
81-1610	A	935
81-1616	A	799
81-1618	A	799
81-1619	A	799
81-1621	A	799
81-1623	A	799
81-1627	A	799
81-1627 to 81-1634	A	738
81-1628	A	799
81-1632	A	598
81-1632	A	799
81-1633	A	598
81-1633	A	799
81-1634	A	799
81-1803	A	935
81-1805	A	935
81-1822	A	942
81-1835	A	818
81-1921	A	928
81-1922	A	928
81-1924	A	928
81-2026	A	615
82-310	A	935
82-317 to 82-329	R	657
83-101.01	A	415
83-101.01	A	442
83-101.06	R	934
83-101.07	R	934
83-108	A	442
83-159	A	934
83-161.01	R	934
83-163	A	934
83-164	A	934
83-170	A	788
83-184	A	788
83-190	A	935
83-192	A	788
83-196	A	788
83-1,104	A	788
83-1,105	A	788
83-1,107	A	202
83-1,107	A	788
83-1,107 to 83-1,123	R	372
83-1,107.01	A	202
83-1,107.01	A	745
83-1,107.01	R	788
83-1,108	A	788
83-1,110 to 83-1,119	R	788
83-1,116	A	818
83-1,120	A	788

SECTION	REPEAL OR AMEND	BILL
83-1,121	A	788
83-1,123	A	788
83-1,141	A	442
83-1,141	A	934
83-1,142	A	442
83-1,143	R	183
83-1,143 to 83-1,143.02	A	442
83-1,143.01	A	183
83-1,143.03	R	442
83-1,143.03	A	916
83-1,143.03	A	942
83-1,143.04	A	442
83-1,143.05	A	442
83-1,147	A	415
83-1,147	A	442
83-1,148	A	415
83-1,148	A	442
83-1,149	A	415
83-1,149	A	442
83-1,150	R	415
83-1,150 to 83-1,152	A	442
83-1,151	A	415
83-1,152	A	415
83-211.02	R	934
83-227.01	A	442
83-339	A	442
83-376	A	966
83-380	A	963
83-383	A	264
83-388	A	264
83-4,106 to 83-4,108	R	592
83-4,124	A	935
83-4,126	A	569
83-918	A	788
83-920	A	788
83-939	A	745
83-955	R	592
83-1011	A	180
83-1070	R	592
83-1071	R	592
83-1072 to 83-1077	R	592
84-147	A	916
84-201.01	A	488
84-205	A	97
84-205	A	795
84-301	A	882
84-304	A	795
84-304	A	942
84-304.01	A	795
84-304.01	A	882
84-304.02	A	795
84-304.03	A	444
84-304.03	A	795
84-312	A	795
84-314	R	795
84-315	A	795
84-321	A	795
84-407	A	127
84-409	A	127
84-712	R	624

SECTION	REPEAL OR AMEND	BILL
84-712.01	R	624
84-712.03 to 84-712.09	R	624
84-721	A	488
84-721	A	795
84-723	A	488
84-801	A	795
84-803	A	795
84-901	A	97
84-906	A	97
84-906.03	A	97
84-906.03	A	784
84-906.06	R	784
84-907	A	97
84-907.02	A	97
84-1003	A	879
84-1203	A	966
84-1225	A	966
84-1226	A	966
84-1301	A	461
84-1301	A	942
84-1307	A	240
84-1307	A	461
84-1308 to 84-1311	A	365
84-1312	A	811
84-1317	A	240
84-1317	A	287
84-1317	A	458
84-1317	A	810
84-1317.01	R	592
84-1321	A	458
84-1408	A	956
84-1409	A	844
84-1409	A	956
84-1410	A	956
84-1411	A	956
84-1412	A	956
84-1414	A	956
84-1501	A	464
84-1501	A	935
84-1503	A	424
84-1503	A	464
85-103	A	736
85-106	A	461
85-106	A	657
85-106.01 to 85-106.03	R	657
85-106.04	A	811
85-180.11	A	648
85-301	A	935
85-304	A	657
85-304.01 to 85-304.03	R	657
85-320	A	461
85-502	A	796
85-606	A	287
85-606	A	810
85-901	A	650
85-901 to 85-909	R	507
85-902	A	935
85-907	A	650
85-908	A	650

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
85-909	A	650	85-1002	A	934
85-910	A	650	85-1008	R	934
85-910	R	507	to 85-1010		
to 85-916			85-1011	R	934
85-911	A	650	85-1012	R	934
85-913	R	650	85-1013	R	934
to 85-916			87-114	A	928
85-962	A	896	87-115	A	928
85-969	A	507	87-210	A	928
85-974	R	507	88-401	A	847
85-975	A	507	88-401	A	928
85-977	A	507	88-502	A	847
85-981	A	507	88-503	A	847
85-983	R	507	88-503	A	928
85-985	A	507	88-518	A	847
85-990	A	507	89-187	A	933
85-992	A	507	89-187	A	966
85-994	A	507	89-193	A	678

1976 Legislative Bills Amended or Repealed

(SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 987	141	R	689				

1979 Legislative Bills Amended or Repealed

(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 184	3	R	162	LB 184	3	R	761
				LB 271	1	A	564

1980 Legislative Bills Amended or Repealed

(SECOND Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 184	5	A	564	LB1001	5	R	164
LB 619	9	R	824	LB1002	5,6,13,32	A	524

1981 Legislative Bills Amended or Repealed
(FIRST Special Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 7	1	A	684	LB 8	77,78,84	A	761
LB 7	6	R	834	LB 8	87	A	754
LB 8	11,12,14,21,23	A	754	LB 8	9	A	754
LB 8	24,28,34,39,6	A	754	LB 8	94	A	754
LB 8	57,58	A	754	LB 8	96	A	754
LB 8	63,67	A	754	LB 8	96	A	754

1981 Legislative Bills Amended or Repealed
(FIRST Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL	LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB 204	165	A	564	LB 557	11	A	754
LB 207	1	A	754	LB 558	4, 13	A	754
LB 328	1	A	754	LB 559	18,19,24,31,36	A	754
LB 487	2	A	754	LB 559	23,4,5,8,16,	A	754
LB 487	2	A	754	LB 560	9,10	A	754
				LB 561	20,21,9,16	A	754

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	BILL
III	10	A	LR276
III	10	A	416
III	10,14	A	576
III	22	A	535
III	22	A	842
III	30 NEW	A	769
III	5,6,7	A	416
III	7	A	531
III	7,19	A	474
IV	1,28	A	769
IV	20	A	803
V	15 NEW	A	798
V	20,21	A	798
V	4,7,10	A	798
VII	10	A	735
VII	5	A	947
VIII	12	A	672
VIII	12	A	730
VIII	13 NEW	A	671
VIII	13 NEW	A	706
VIII	13 NEW	A	773
VIII	3	A	766
XIII	1	A	577
XIII	2	A	634
XV	19 NEW	A	474
XVII	4	A	580

UNIFORM COMMERCIAL CODE

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
9-403 to 9-406	A	928	9-408	A	928